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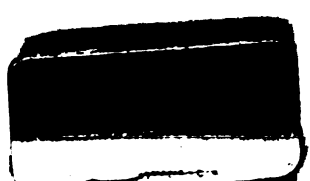
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REPORTS
FROM
COMMITTEES:
EIGHT VOLUMES.

— (1.) —

CARLOW BOROUGH ELECTION.

Session
5 February — 27 August 1839.

VOL. VI.

1839.

5670

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REPORTS FROM COMMITTEES:

1839.

EIGHT VOLUMES:—CONTENTS OF THE

FIRST VOLUME.

N. B.—*THE* Figures at the beginning of the line, correspond with the N° at the foot of each Report ; and the Figures at the end of the line, refer to the MS. Paging of the Volumes arranged for *The House of Commons*.

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THE
MINUTES OF EVIDENCE
AND
PROCEEDINGS
TAKEN BEFORE THE
SELECT COMMITTEE
ON THE
**CARLOW BOROUGH ELECTION
PETITIONS.**

PART I.

Mercurii, 1^o die Maii, 1839 - - to - - Lunæ, 3^o die Junii, 1839.

*Ordered, by The House of Commons, to be Printed,
17 July 1839.*

PART I.

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PLANS - - - - - at the end.

PROCEEDINGS OF THE COMMITTEE.

Martis, 30^a die Aprilis, 1839.

NAMES of the MEMBERS remaining upon the Reduced List, appointed by Ballot, to try and determine the merits of the Petitions complaining of an undue Election and Return for the Borough of Carlow.

Honourable Pierce Butler.
John Martin.
Peter Ainsworth.
David Morris.
Lord Arthur Lennox.
Frederick James Tollemache.

George Grote.
Thomas Philip Maunsell.
Hon. Sir Robert Lawrence Dundas.
Edward Protheroe.
John Brocklehurst.

Mr. Grote was called to the chair.

[Adjourned to To-morrow, at Half-past Three o'clock.]

Mercurii, 1^a die Maii, 1839.

Names called over; all present.

Petition of Thomas Gisborne the younger, of Horwich House, Derbyshire, against the election and return for Carlow, read.

Mr. Austin and Mr. Cockburn appeared as Counsel.

Mr. Baker, as Agent.

Petition of George O'Farrall and others, electors, complaining of the election.

Mr. Austin and Mr. Cockburn appeared as Counsel.

Mr. Baker, as Agent.

Petition of Henry Cary and Simeon Clarke, electors; Petition of Nicholas Byrn and others, electors; Petition of William Cary and others, electors; severally praying to be admitted as parties to defend the return of the sitting Member; read.

Mr. Thesiger and Mr. Wrangham appeared as Counsel.

Mr. Bate, as Agent.

Mr. Austin, upon the part of the petitioners against the return, and Mr. Thesiger, upon the part of the petitioners defending the return, severally delivered in and exchanged lists of objected votes.

[The Committee adjourned to To-morrow, at Eleven o'clock.]

Jovis, 2^a die Maii, 1839.

Names called over; all present.

Ordered, That all witnesses do withdraw from the Committee-room.

Mr. Baker delivered in the names of Thomas Baker, A. French and E. M. Fitzgerald, as Agents on the part of the petitioners opposing the return.

Mr. Austin opened the case on the part of the petitioners opposing the return.

Mr. Alexander John Humfrey, Clerk of the Peace of the County of Carlow, sworn, and examined.

Mr. Austin proposed to put in the poll-books.

Mr. Thesiger objected that the proved custody of the poll-books was not the right custody.

Mr. Austin heard against.

Mr. Thesiger replied.

Committee-room cleared.

Motion made, That further legal evidence be required of the transmission of the poll-books to prove their authenticity.

The Committee divided.

Ayes - - 3.
Mr. Maunsell.
Mr. Tollemache.
Colonel Butler.

Noes - - 7.
Mr. Martin.
Mr. Morris.
Mr. Protheroe.
Mr. Ainsworth.
Lord A. Lennox.
Sir R. Dundas.
Mr. Brocklehurst.

So it passed in the negative.

The parties were informed that the Committee had resolved that the poll-books were sufficiently authenticated.

Mr. Cockburn proceeded with the scrutiny.

On the Vote of *Matthew Jenkinson*, dwelling-house and premises, No. 69 on the Poll.
(Voted for Bruen.)

Mr. A. J. Humfrey produced affidavit of registration—"Matthew Jenkinson, Barrack-street, carman;" also affirmation of Matthew Jenkinson, of Chapel-lane, butter-merchant.

Mr. Thesiger objected, that the objection to this vote was not sufficiently specific in the lists of votes delivered in yesterday.

Mr. Cockburn heard against.

Mr. Wrangham replied.

Committee-room cleared.

Motion made, That Matthew Jenkinson, of Barrack-street, carman, is not sufficiently identified in the list of objected voters delivered in to the Committee.

Question put, and agreed to.

The parties were informed thereof.

Mr. Cockburn requested to produce further evidence to prove the identity.

Mr. Wrangham heard; and

The Committee decided that, under the previous resolution, the vote could not be objected to.

On the Vote of *William Moorehead*, house-painter and glazier, of Charlotte-street, No. 40 on the Poll.

Mr. Humfrey produced affidavit of registration.

Mr. Patrick Dalton sworn, and examined.

Mr. Stanley Johnstone sworn, and examined.

[Adjourned to To-morrow, at Eleven o'clock.]

Veneris, 3^o die Maii, 1839.

Names called over; all present.

Mr. Stanley Johnstone sworn, and further examined by Mr. Austin.

Mr. James Brennan sworn, and examined.

Mr. William Galbraith sworn, and examined.

Mr. Thesiger summed up; and

Mr. Cockburn replied.

[Adjourned to To-morrow, at Eleven o'clock.]

Sabbati, 4^o die Maii, 1839.

Names called over; all present.

Mr. Cockburn continued.

Mr. Patrick Dalton sworn, and re-examined.

The room cleared.

Question put, That the vote of William Moorehead, No. 40 upon the poll, is a bad vote, and that it be struck off the poll; and agreed to.

The parties informed thereof.

[Adjourned to Monday, Eleven o'clock.]

Lunæ, 6^o die Maii, 1839.

Names called over; all present.

On the Vote of *Philip Bagenal*, No. 309 on the Poll, objected to by Mr. *Austin*.

Mr. Humfrey sworn; put in affidavit of registration.

John Kelly sworn, and examined.

Mr. Humfrey put in affidavit of registration of Mr. Walter Newton and of Mr. William Pendred.

John Kelly re-examined.

Mr. Wrangham objected to Mr. Kelly being re-examined upon the points of the affidavits of Newton and Pendred.

Mr. Austin heard.

The Committee-room cleared.

Motion made, That no questions arising out of the affidavits of Walter Newton and William Pendred can be put to the witness Kelly, on re-examination by Mr. Austin.

Question put, and agreed to.

The parties informed thereof.

Thomas M'Quaid sworn, and examined.

Mr. Cockburn objected to a question as to the subject of a conversation between the witness and John Kelly.

Mr. Wrangham heard.

The Committee-room cleared.

Motion made, That Mr. Wrangham be permitted in re-examination to question the witness M'Quaid as to the conversation which passed between him and the witness Kelly, such conversation having been made the subject of several questions in Mr. Cockburn's cross-examination.

Question put, and agreed to.

The parties were informed thereof.

Thomas M'Quaid re-examined.

Mr. Wrangham summed up.

Mr. Austin replied.

[Adjourned to To-morrow, at Eleven o'clock.]

Martis, 7^o die Maii, 1839.

Names called over; all present.

Mr. Austin continued.

The room was cleared.

Motion made, That the vote of Philip Bagenal is a bad vote, and that it be struck off the poll.

Question put. The Committee divided.

Ayes - - 5.
Mr. Brocklehurst.
Sir R. Dundas.
Mr. Martin.
Mr. Morris.
Mr. Protheroe.

Noes - - 5.
Mr. Ainsworth.
Colonel Butler.
Mr. Maunsell.
Lord A. Lennox.
Mr. Tollemache.

The Chairman gave his casting vote with the noes. So it passed in the negative.

Resolved, That the vote of Philip Bagenal is a good vote.

The parties informed thereof.

On the Vote of *Walter Newton*, No. 293 on the Poll.

John Kelly sworn, and examined.

Thomas Crawford Butler sworn, and examined.

Mr. Cockburn summed up.

Mr. Wrangham replied.

[Adjourned to To-morrow, at Eleven o'clock.]

Mercurii, 8^o die Maii, 1839.

Names called over ; all present.

Mr. Wrangham continued.

Committee-room cleared.

Motion made, That the vote of Walter Newton is a bad vote, and that it be struck off the poll.

Question put. The Committee divided.

Ayes - - 5.	Noes - - 5.
Mr. Brocklehurst.	Mr. Ainsworth.
Sir R. Dundas.	Colonel Butler.
Mr. Martin.	Mr. Maunsell.
Mr. Morris.	Lord A. Lennox.
Mr. Protheroe.	Mr. Tollemache.

The Chairman gave his vote with the noes. So it passed in the negative.

Question, That the vote of Walter Newton is a good vote. Put, and agreed to.

The parties informed thereof.

On the Vote of *William Robert Lecky*, No. 312 on the Poll.

Mr. Humfrey sworn, and put in affidavit of registration.

John Kelly sworn, and examined.

Mr. Cockburn summed up.

Mr. Thesiger replied.

The room was cleared.

Motion made, That the vote of William Robert Lecky is a bad vote, and that it be struck off the poll.

Question put. The Committee divided.

Ayes - - 8.	Noes - - 2.
Mr. Ainsworth.	Mr. Maunsell.
Mr. Brocklehurst.	Mr. Tollemache.
Colonel Butler.	
Sir R. Dundas.	
Mr. Martin.	
Mr. Morris.	
Lord A. Lennox.	
Mr. Protheroe.	

So it was resolved in the affirmative.

The parties informed thereof.

[Adjourned to To-morrow, at Eleven o'clock.

Jovis, 9^o die Maii, 1839.

Names called over ; all present.

On the Vote of *Thomas Coleman*, No. 226 on the Poll.

Mr. Humfrey sworn, and produced affidavit of registration.

Mr. Patrick Bolger sworn, and examined.

Mr. Robert Brown sworn, and examined.

Mr. Lawrence Ivers sworn, and examined.

Mr. Patrick Bolger re-called, produced plan of premises described in registration certificate of Coleman.

Mr. Wrangham objected to re-examination upon any point beyond the verification of the plan.

Mr. Cockburn heard.

Mr. Wrangham replied.

The Committee-room cleared.

Motion made, That the last question put by Mr. Cockburn to the witness Bolger, and the answer made thereunto, be struck out from the Minutes of the Committee.

Question put, and agreed to.

The parties informed thereof.

Mr. Cockburn applied to examine the witness through the Committee.

Mr. Wrangham objected.

Mr. Cockburn replied.

The Committee-room cleared.

Motion made, That the Committee decline complying with Mr. Cockburn's application to put questions at his instance, which the Committee have already decided to be irregular.

Question put, and agreed to.

The parties informed thereof.

Mr. Bolger re-called, and examined.

Mr. Wrangham objected to a question, on the ground that it was the same question previously rejected by the Committee.

Mr. Cockburn heard.

The Committee-room cleared.

Question put, That the last question and answer be expunged from the Minutes ; and agreed to.

The parties informed thereof.

Mr. Bolger further examined.

Mr. Cockburn summed up.

Mr. Wrangham replied.

The room cleared.

Motion made, That the vote of Thomas Coleman is a bad vote, and that it be struck off the poll.

The Question put. The Committee divided.

Ayes - - 4.
Mr. Brocklehurst.
Sir R. Dundas.
Mr. Martin.
Mr. Morris.

Noes - - 6.
Mr. Ainsworth.
Colonel Butler.
Lord A. Lennox.
Mr. Maunsell.
Mr. Protheroe.
Mr. Tollemache.

So it passed in the negative.

Resolved, That the vote of Thomas Coleman is a good vote.

The parties informed thereof.

[Adjourned to To-morrow, at Eleven o'clock.

Veneris, 10^o die Maii, 1839.

Names called over ; all present.

On the Vote of *Thomas Quinlan*, No. 46 on the Poll.

Mr. Humfrey sworn, and produced affidavit of registration.

John Lennon sworn, and examined.

Mr. Arthur French sworn, and examined.

Mr. Philip Deighton sworn, and examined.

Mr. Thomas Crawford Butler sworn, and examined upon the point of Lennon having been in the Committee-room during the sitting of the Committee.

Mr. Thesiger heard against Lennon's examination.

Mr. Austin in reply.

The Committee-room was cleared.

Motion made, That the evidence of John Lennon be received.

Question put. The Committee divided.

Ayes - - 8.
Mr. Ainsworth.
Mr. Brocklehurst.
Colonel Butler.
Sir R. Dundas.
Lord A. Lennox.
Mr. Martin.
Mr. Morris.
Mr. Protheroe.

Noes - - 2.
Mr. Maunsell.
Mr. Tollemache.

So it was resolved in the affirmative.

The parties informed thereof.

John Lennon was accordingly re-called, and examined.

Mr. Austin objected to the witness being examined as to the rent paid by the witness on account of his own house, that house being part of the witness's own qualification, and he being objected to as a voter.

Mr. Thesiger heard.

The Committee-room cleared.

Resolved, That the questions of Mr. Thesiger, as to the rent paid by the witness John Lennon, be expunged from the Minutes.

The parties informed thereof.

John Lennon again examined.

Upon another question relative to value—

Mr. Austin objected.

Mr. Thesiger heard.

The Committee decided that the question could not be put.

John Lennon re-examined.

Patrick Maher sworn, and examined.

Mr. James Young sworn, and examined.

Mr. Francis Malcolmson sworn, and examined.

[Adjourned to To-morrow, at Eleven o'clock.

Sabbati, 11^o die Maii, 1839.

Names called over; all present.

The room was cleared.

The Committee deliberated upon the point of the witness Malcolmson's evidence, wherein it appeared that the witness had been informed by the agent of the substance of the evidence given by the preceding witness,

The Committee determined that the parties should be informed that the Committee disapproved of such a proceeding.

The parties informed thereof.

Mr. James Young sworn, and examined.

John Lennon sworn, and examined.

Patrick Maher sworn, and examined.

Mr. Wrangham summed up.

The Committee-room cleared.

Motion made, That the vote of Thomas Quinlan is a bad vote, and that it be struck off the poll.

Question put. The Committee divided.

Ayes - - 8.
Mr. Brocklehurst.
Colonel Butler.
Sir R. Dundas.
Lord A. Lennox.
Mr. Martin.
Mr. Morris.
Mr. Protheroe.
Mr. Tollemache.

Noes - - 2.
Mr. Ainsworth.
Mr. Maunsell.

So it was resolved in the affirmative.

The parties informed thereof.

On the Vote of *Philip Deighton*, No. 306 on the Poll.

Mr. Wrangham objected to proceeding with a voter out of the class upon which they were at present until such class was disposed of.

Mr. Austin replied.

The room was cleared.

Motion made, That sufficient ground has been shown for proceeding forthwith with the objection to the vote of Philip Deighton.

Question put. The Committee divided.

Ayes - - 6.

Mr. Ainsworth.
Mr. Brocklehurst.
Sir R. Dundas.
Mr. Martin.
Mr. Morris.
Mr. Protheroe.

Noes - - 4.

Colonel Butler.
Lord A. Lennox.
Mr. Maunsell.
Mr. Tollemache.

So it was resolved in the affirmative.

The parties informed thereof.

Mr. Robert Brown sworn, and examined.

Mr. Austin summed up.

Mr. Wrangham replied.

Mr. Austin applied for leave to cite cases.

Mr. Wrangham objected.

The room cleared.

Motion made, That the Committee decline complying with Mr. Austin's request to be heard again on the subject of the vote of Philip Deighton.

Amendment proposed, to leave out all the words from the first word "That," in order to insert the words, "it is the opinion of this Committee that the vote of Philip Deighton is a bad vote, and that it be struck off the poll."

Question put, That the words proposed to be left out stand part of the question.

The Committee divided.

Ayes - - 1.

Mr. Maunsell.

Noes - - 9.

Mr. Ainsworth.
Mr. Brocklehurst.
Colonel Butler.
Sir R. Dundas.
Lord A. Lennox.
Mr. Martin.
Mr. Morris.
Mr. Protheroe.
Mr. Tollemache.

Question, as amended, put, That it is the opinion of this Committee that the vote of Philip Deighton is a bad vote, and that it be struck off the poll.

The Committee divided.

Ayes - - 9.

Mr. Ainsworth.
Mr. Brocklehurst.
Colonel Butler.
Sir R. Dundas.
Lord A. Lennox.
Mr. Martin.
Mr. Maunsell.
Mr. Morris.
Mr. Protheroe.

Noes - - 1.

Mr. Tollemache.

So it was resolved in the affirmative.

The parties informed thereof.

[Adjourned to Monday, at Eleven o'clock.]

Lunæ, 13^o die Maii, 1839.

Names called over ; all present.

On the Vote of *John Walsh*, of Graigüe, No. 323 on the Poll.
(Voted for Mr. Gisborne.)

Mr. Humfrey sworn, and produced the affidavit of registration of John Walsh.
Mr. William Jackson sworn, and examined.
Mr. Edward Dowling sworn, and examined.
James Brennan sworn, and examined.

Mr. Wrangham summed up.

Mr. Cockburn replied.

The room was cleared.

Motion made, That the vote of John Walsh is a bad vote, and that it be struck off the poll.

Question put, and agreed to.

The parties informed thereof.

On the Vote of *John Hazleton*, No. 139 on the Poll.

Mr. Humfrey delivered in the affidavit of registration, and produced list of claimants for registration.

Mr. Austin objected to such lists being received in evidence.

The room was cleared.

Motion made, That upon proof being given satisfactorily accounting for the absence of the original notice, the Committee will admit the printed lists.

Question put. The Committee divided.

Ayes - - 9.

Mr. Ainsworth.
Colonel Butler.
Sir R. Dundas.
Lord A. Lennox.
Mr. Martin.
Mr. Maunsell.
Mr. Morris.
Mr. Protheroe.
Mr. Tollemache.

Noes - - 1.

Mr. Brocklehurst.

So it was resolved in the affirmative.

The parties informed thereof.

Mr. Humfrey further examined.

The room was cleared.

Motion made and Question put, That the absence of the original notice has been satisfactorily accounted for, and that the Committee will therefore admit the printed lists.

The Committee divided.

Ayes - - 6.

Mr. Ainsworth.
Colonel Butler.
Lord A. Lennox.
Mr. Maunsell.
Mr. Protheroe.
Mr. Tollemache.

Noes - - 4.

Mr. Brocklehurst.
Sir R. Dundas.
Mr. Martin.
Mr. Morris.

But Mr. Speaker having been announced to have taken the chair—

[The Committee adjourned till To-morrow, at Eleven o'clock.

Martis, 14^o die Maii, 1839.

Names called over ; all present.

Question again put, "That the absence of the original notice has been satisfactorily accounted for, and that the Committee will therefore admit the printed lists," and agreed to.

Mr. Humfrey sworn, and examined.

The book containing the lists of claimants for registration put in.

Mr. Thesiger proposed to put in evidence the book of adjudications by the registering barrister.

Mr. Austin objected.

The Committee-room was cleared.

The Counsel and Agents were called in, and Mr. Thesiger was asked whether his intention in offering such adjudication book in evidence was to reverse the decision of the revising barrister.

Mr. Thesiger said such was not his object, his object being to identify the property in respect of which the voter registered; and then they withdrew.

Motion made, That the book of adjudications by the revising barrister, tendered in evidence by Mr. Thesiger, be admitted by the Committee.

Question put. The Committee divided.

Ayes - - 4.
Colonel Butler.
Mr. Maunsell.
Mr. Protheroe.
Mr. Tollemache.

Noes - - 6.
Mr. Ainsworth.
Mr. Brocklehurst.
Sir R. Dundas.
Lord A. Lennox.
Mr. Martin.
Mr. Morris.

So it passed in the negative.

The parties informed thereof.

Thomas Crawford Butler sworn, and examined.

Question put to the witness as to the rejection of Hazleton upon the point of value.

Mr. Austin objected.

The room cleared.

Motion made, That Mr. Wrangham be allowed to persist in the question last put, as to the alleged rejection of Hazleton's vote before the registering barrister, partly on the ground of insufficient value.

Question put. The Committee divided.

Ayes - - 5.
Mr. Brocklehurst.
Colonel Butler.
Mr. Maunsell.
Mr. Protheroe.
Mr. Tollemache.

Noes - - 5.
Mr. Ainsworth.
Sir R. Dundas.
Lord A. Lennox.
Mr. Martin.
Mr. Morris.

The Chairman gave his casting vote with the yeas.

So it was resolved in the affirmative.

The parties informed thereof.

Thomas Crawford Butler re-examined.

Edward Dowling examined; sworn.

Another question put as to evidence given before the revising barrister, viz. "Do you remember any thing being said of a communication between the two houses—a doorway?"

Mr. Austin objected to the question.

Mr. Wrangham replied.

The room was cleared.

Motion made, That Mr. Wrangham be allowed to continue his examination of the witness Dowling, as to the premises for which the voter Hazleton claimed to register in 1835.

Question put. The Committee divided.

Ayes - - 8.
Mr. Brocklehurst.
Colonel Butler.
Sir R. Dundas.
Lord A. Lennox.
Mr. Maunsell.
Mr. Morris.
Mr. Protheroe.
Mr. Tollemache.

Noes - - 2.
Mr. Ainsworth.
Mr. Martin.

So it was resolved in the affirmative.

The parties informed thereof.

Mr. Dowling further examined.

Thomas M'Quaid sworn, and examined.

A question put to the witness, "What is the value of his house?"

Mr. Austin objected that the specification of objection in the lists was not explicit upon the point of value, and that the question could not be put.

Mr. Thesiger heard.

The room was cleared.

And Mr. Speaker having taken the chair—

[The Committee adjourned to To-morrow, at Eleven o'clock.

Mercurii, 15^o die Maii, 1839.

Names called over; all present.

Motion made, That this Committee do adjourn until To-morrow, at Ten o'clock.

Question put, and agreed to.

[Adjourned.

Jovis, 16^o die Maii, 1839.

Names called over; all present.

The Committee-room was cleared.

The question put to the witness was again read; viz.

"Now, in your judgment, what is the value of the house occupied by Hazleton himself, as distinct from Cuddy's?"

Motion made, That the question proposed by Mr. Thesiger be now put.

Question put. The Committee divided.

Ayes - - 5.
Mr. Ainsworth.
Colonel Butler.
Lord A. Lennox.
Mr. Maunsell.
Mr. Tollemache.

Noes - - 5.
Mr. Brocklehurst.
Sir R. Dundas.
Mr. Martin.
Mr. Morris.
Mr. Protheroe.

The Chairman gave his casting vote with the Ayes.

So it was resolved in the affirmative.

Resolved, That the question proposed by Mr. Thesiger be now put.

The parties informed thereof.

Thomas M'Quaid sworn, and examined.

Mr. Henry Malcombson sworn, and examined.

Upon a question to the witness as to a certain conversation with Hazleton, Mr. Cockburn objected that such conversation had taken place upon the 11th May instant, since the Committee was balloted for, and consequently ought not to be put.

Mr. Wrangham heard in reply.

The Committee-room was cleared.

Motion made, That Mr. Wrangham be permitted to put his question respecting the conversation of the witness with the voter Hazleton on the 11th of May.

Question put. The Committee divided.

Ayes - - 2.
Mr. Maunsell.
Mr. Tollemache.

Noes - - 8.
Mr. Ainsworth.
Mr. Brocklehurst.
Colonel Butler.
Sir R. Dundas.
Lord A. Lennox.
Mr. Martin.
Mr. Morris.
Mr. Protheroe.

So it passed in the negative.

The parties informed that the question could not be put.

Mr. Malcolmson further examined.

Mr. Thomas Haughton, a Member of the Society of Friends, took the affirmation, and was examined.

A question was put to the witness, "What was the complaint with reference to Jenkinson's vote?"

Mr. Thesiger objected to the question.

[Adjourned to To-morrow, at Eleven o'clock.

Veneris, 17^o die Maii, 1839.

Names called over; all present.

Mr. Thesiger withdrew his objection to the question put yesterday.

Mr. Haughton took the affirmation, and was further examined.

John Lennon examined.

Mr. Austin objected to a question put by Mr. Thesiger, as to what the witness had stated in his examination upon Quinlan's case.

Mr. Thesiger replied.

The room was cleared.

Motion made, That the question proposed by Mr. Thesiger may be put.

Question put. The Committee divided.

Ayes - - 5.

Mr. Ainsworth.
Lord A. Lennox.
Colonel Butler.
Mr. Maunsell.
Mr. Tollemache.

Noes - - 5.

Mr. Brocklehurst.
Sir R. Dundas.
Mr. Martin.
Mr. Morris.
Mr. Protheroe.

The Chairman gave his casting vote with the ayes.

So it was resolved in the affirmative.

The parties informed thereof.

John Lennon re-examined.

John M'Donald sworn, and examined.

The Committee-room was cleared.

The Committee deliberated, and determined, That the Chairman be directed to intimate to the Counsel, that the unanimous impression of the Committee is, that sufficient evidence has not been given to impeach the validity of John Hazleton's vote; nevertheless, that the Committee were perfectly willing to proceed to the hearing of Counsel, if Counsel think fit.

The parties informed thereof.

Mr. Austin waived his right to be heard.

Mr. Thesiger, having stated that he conceived it his duty to address the Committee, was heard accordingly.

The room was cleared.

Motion made, That the vote of John Hazleton is a good vote.

Question put, and agreed to.

The parties informed thereof.

[Adjourned to To-morrow, at Eleven o'clock.]

Sabbati, 18^o die Maii, 1839.

Names called over; all present.

On the Vote of *Patrick Doyle*, No. 9 on the Poll.

Mr. Humfrey sworn, and put in affidavit of registration.

Edward Dowling sworn, and examined.

George Wilson sworn, and examined.

James Young sworn, and examined.

Garret Roche sworn, and examined.

[Adjourned to Monday, at Eleven o'clock.]

Lunæ, 20^o die Maii, 1839.

Names called over; all present.

Garret Roche further examined; sworn.

Patrick Dalton sworn, and examined.

Mr. Haughton took the affirmation, and examined.

Mr. Cockburn summed up.

Mr. Wrangham replied.

The room was cleared.

Motion made, That the vote of Patrick Doyle is a good vote.

Question put. The Committee divided.

Ayes - - 6.

Mr. Brocklehurst.
Colonel Butler.
Sir R. Dundas.
Mr. Martin.
Mr. Morris.
Mr. Protheroe.

Noes - - 4.

Mr. Ainsworth.
Lord A. Lennox.
Mr. Maunsell.
Mr. Tollemache.

So it was resolved in the affirmative.

The parties informed thereof.

[Adjourned to To-morrow, at Eleven o'clock.]

Martis, 21^o die Maii, 1839.

Names called over; all present.

On the Vote of *Robert Ivers*, No. 79 on the Poll.

Mr. Humfrey sworn, and produced affidavit of registration of the voter.

Mr. Thomas Harris Carrol sworn, and examined.

Mr. Humfrey re-examined.

Mr. Thesiger proposed to put in the list of licensed victuallers kept by the Clerk of the Peace under Act of Parliament.

Mr. Cockburn objected.

Mr. Thesiger replied.

The room was cleared.

Motion made, That the Committee will receive in evidence the book produced by Mr. Humfrey.

Question put, and agreed to.

The parties informed thereof.

Mr. Humfrey further examined.

Mr. Edward Dowling sworn, and examined.

Mr. John Stothard sworn, and examined.

Mr. Cockburn objected to the evidence of the witness.

Mr. Thesiger heard.

The room was cleared.

Motion made, That the evidence proposed by Mr. Thesiger be received.

Question put, and agreed to.

The parties informed thereof.

Mr. Stothard re-examined.

John Lennon sworn, and examined.

Mr. Patrick Bolger sworn, and examined.

A question having been asked the witness as to a libel for which he had been convicted—

Mr. Thesiger objected to the course of examination.

Mr. Cockburn heard in reply.

The Committee-room was cleared.

Motion made, That it is the opinion of this Committee that the question last put by Mr. Cockburn, and the answer thereto, be expunged.

The question put. The Committee divided.

Ayes - - 5.

Mr. Ainsworth.

Colonel Butler.

Lord A. Lennox.

Mr. Maunsell.

Mr. Tollemache.

Noes - - 5.

Mr. Brocklehurst.

Sir R. Dundas.

Mr. Martin.

Mr. Morris.

Mr. Protheroe.

The Chairman gave his vote with the noes; so it passed in the negative.

The parties informed thereof.

[Adjourned to To-morrow, at Eleven o'clock.]

Mercurii, 22^o die Maii, 1839.

Names called over; all present.

Mr. Paul Cullen sworn, and examined.

Mr. Haughton affirmed, and examined.

Mr. Humfrey sworn, and examined.

Mr. Cockburn summed up.

Mr. Thesiger replied.

The room was cleared.

Motion made, That the vote of *Robert Ivers* is a bad vote, and that it be struck off the poll.

Question put. The Committee divided.

Ayes - - 6.

Mr. Ainsworth.

Colonel Butler.

Lord A. Lennox.

Mr. Maunsell.

Mr. Protheroe.

Mr. Tollemache.

Noes - - 4.

Mr. Brocklehurst.

Sir R. Dundas.

Mr. Martin.

Mr. Morris.

So it was resolved in the affirmative.

The parties informed thereof.

[Adjourned to To-morrow, at Ten o'clock.]

Jovis, 23^o die Maii, 1839.

Names called over; all present.

On the Vote of *Daniel O'Brien*, No. 313 on the Poll.

Mr. Humfrey sworn, and put in the affidavit of registration.

Mr. Joseph Fishbourne sworn, and examined.

A question was put as to whether the witness was an assignee in O'Brien's bankruptcy.

Mr. Thesiger objected that the deed ought to be produced.

Mr. Cockburn replied.

The room was cleared.

Motion made, That the question proposed by Mr. Cockburn may be put.

Question put. The Committee divided.

Ayes - - 9.

Mr. Ainsworth.

Mr. Brocklehurst.

Colonel Butler.

Sir R. Dundas.

Lord A. Lennox.

Mr. Martin.

Mr. Morris.

Mr. Protheroe.

Mr. Tollemache.

Noes - - 1.

Mr. Maunsell.

So it was resolved in the affirmative.

The parties informed thereof.

Mr. Fishbourne re-examined.

Upon another question, as to what was the capacity in which Mr. Whealand acted—

Mr. Wrangham objected.

The room was cleared.

Motion made, That the Committee will not permit questions to be put to the witness Fishbourne, tending to show to whom Whealand acted as assignee, until the non-production of the primary evidence of his having been appointed assignee shall have been accounted for.

Question put, and agreed to.

The parties informed thereof.

Mr. Fishbourne re-examined.

A question having been put to witness as to conversations with O'Brien.

Mr. Wrangham objected.

Mr. Cockburn heard.

[Adjourned to To-morrow, at Eleven o'clock.]

Veneris, 24^o die Maii, 1839.

Names called over; all present.

Mr. Wrangham replied (upon his objection of yesterday).

The room was cleared.

Motion made, That the question proposed by Mr. Austin may be put as to any conversation held by the witness Joseph Fishbourne with the voter O'Brien, on the subject of the room in which Giltenan was placed, or of the placing of Giltenan in that room.

Amendment proposed, to leave out all the words from the first word, "That," in order to insert the words, "the question proposed by Mr. Cockburn may be put."

Question put, That the words proposed to be left out stand part of the question.

The Committee divided.

Ayes - - 6.

Mr. Ainsworth.

Colonel Butler.

Lord A. Lennox.

Mr. Maunsell.

Mr. Protheroe.

Mr. Tollemache.

Noes - - 4.

Mr. Brocklehurst.

Sir R. Dundas.

Mr. Martin.

Mr. Morris.

Resolved, That the question proposed by Mr. Austin may be put as to any conversations held by the witness Joseph Fishbourne with the voter O'Brien, on the subject of the room in which Giltenan was placed, or of the placing of Giltenan in that room.

The parties informed thereof.

Joseph Fishbourne sworn, and examined.

Upon the examination of the witness by the Committee—
Committee-room cleared.

Minutes of the evidence read ; viz.

Q. " Was O'Brien a bankrupt then ?"—A. " He was."

Motion made, That the above question and answer be erased from the minutes, since the bankruptcy of O'Brien has not been proved to the Committee by primary evidence, nor has the non-production of such primary evidence been accounted for.

Question put. The Committee divided.

Ayes - - 5.
Mr. Ainsworth.
Colonel Butler.
Lord A. Lennox.
Mr. Maunsell.
Mr. Tollemache.

Noes - - 5.
Mr. Brocklehurst.
Sir R. Dundas.
Mr. Martin.
Mr. Morris.
Mr. Protheroe.

The Chairman gave his casting vote with the ayes ; so it passed in the affirmative.

The question was erased accordingly

Mr. Fishbourne further examined by the Committee.

The room was cleared, and the Committee deliberated upon the course of their examination.

The parties were called in, and

Mr. Fishbourne further examined by the Committee.

Mr. John Waring affirmed, and examined.

Mr. John Burgess sworn, and examined.

Mr. Arthur French sworn, and examined.

Mr. Thomas Carroll sworn, and examined.

[Adjourned to To-morrow, at Eleven o'clock.

Sabbati, 25^o die Maii, 1839.

Mr. Thomas Carroll sworn, and re-examined.

Mr. Job Leonard Campion sworn, and examined.

Mr. Thomas Crawford Butler sworn, and examined.

Mr. James Young sworn, and examined.

Upon a question by a Member as to a conversation with O'Brien—

Mr. Austin objected to the question.

The room was cleared.

Motion made, That Mr. Austin be allowed to object to the question proposed by Mr. Tollemache.

Question put. The Committee divided.

Ayes - - 4.
Mr. Brocklehurst.
Colonel Butler.
Mr. Protheroe.
Mr. Tollemache.

Noes - - 6.
Mr. Ainsworth.
Sir R. Dundas.
Lord A. Lennox.
Mr. Martin.
Mr. Maunsell.
Mr. Morris.

So it passed in the negative.

The parties called in.

Mr. James Young further examined.

Mr. George Hornick sworn, and examined.

Mr. Thomas M'Quaid sworn, and examined.

Mr. Wrangham summed up.

Mr. Austin replied.

The Committee-room was cleared.

Motion made, That the vote of Daniel O'Brien is a bad vote, and that it be struck off the poll.

Question put. The Committee divided.

Ayes - - 7.
Mr. Brocklehurst.
Colonel Butler.
Sir R. Dundas.
Lord A. Lennox.
Mr. Martin.
Mr. Morris.
Mr. Protheroe.

Noes - - 3.
Mr. Ainsworth.
Mr. Maunsell.
Mr. Tollemache.

So it was resolved in the affirmative.

The parties informed thereof.

Lunæ, 27^o die Maii, 1839.

Names called over ; all present.

On the Vote of *Thomas Greene*, No. 315 on the Poll.

Mr. Humfrey sworn, and put in affidavit of registration.

Mr. William Jackson sworn ; applied for his expenses.

Mr. Baker agreed to pay to the witness the amount of his claim.

Mr. Thesiger stated that he did not intend to defend the vote of Thomas Greene.

Motion made, That the vote of Thomas Greene is a bad vote, and that it be struck off the poll.

Question put, and agreed to.

On the Vote of *James M'Donnell*, No. 285 on the Poll.

Mr. Humfrey put in affidavit of registration.

Mr. James Young sworn, and examined.

Mr. Thomas Crawford Butler sworn, and examined.

Mr. Humfrey put in registration of the voter on 27th December 1838.

Mr. James Brennan sworn, and examined.

Mr. Thesiger summed up.

Mr. Austin replied.

The room was cleared.

Motion made, That the vote of James M'Donnell is a bad vote, and that it be struck off the poll.

Question put. The Committee divided.

Ayes - - 4.

Mr. Ainsworth.

Sir R. Dundas.

Mr. Maunsell.

Mr. Tollemache.

Noes - - 6.

Mr. Brocklehurst.

Colonel Butler.

Lord A. Lennox.

Mr. Martin.

Mr. Morris.

Mr. Protheroe.

So it passed in the negative.

Motion made, That the vote of James M'Donnell is a good vote.

Question put, and agreed to.

The parties informed thereof.

On the Vote of *John Murphy*, No. 26 on the Poll.

Mr. Humfrey put in affidavit of registration.

Mr. Henry Malcolmson sworn, and examined.

[Adjourned to To-morrow, at Eleven o'clock.]

Martis, 28^o die Maii, 1839.

Names called over ; all present.

Mr. Cockburn stated to the Committee that Edward Dowling, who had been examined before the Committee, had attempted, by means of bribes, to induce witnesses to absent themselves from the Committee, and applied to be allowed to give evidence of the same, and to have a report made to The House thereupon.

Mr. Thesiger heard.

Room cleared.

Resolved, That Mr. Cockburn be permitted to produce such evidence.

Parties called in.

Mr. James Murphy sworn, and examined by Mr. Cockburn ; cross-examined by Mr. Wrangham.

Mrs. Ann Murphy sworn, and examined by Mr. Cockburn ; cross-examined by Mr. Wrangham.

Mr. Thomas Magraith examined by Mr. Cockburn.

Mr. Wrangham objected to the reading a letter which Mr. Cockburn proposed to read.

Mr. Austin heard in answer to the objection.

Mr. Wrangham heard in reply.

Resolved, That the letter may be read.

Mr. Thomas Magraith again called, and cross-examined by Mr. Thesiger.

Mr. Edward O'Brien sworn, and examined by Mr. Austin; cross-examined by Mr. Thesiger.

Mr. Edward Gorman sworn, and examined by Mr. Cockburn; cross-examined by Mr. Wrangham.

[Adjourned to To-morrow, at Eleven o'clock.

Mercurii, 29^o die Maii, 1839.

Names called over; all present.

The Chairman stated to Mr. Dowling that he was directed by the Committee to inquire of him whether he had heard the evidence given yesterday relative to his conduct, and whether he had any statement to make in explanation.

Mr. Dowling was heard to comment on the evidence given yesterday.

Room cleared.

Resolved, That it is the opinion of this Committee, that the conduct of Edward Dowling, in holding communication with witnesses now in London on the summons of the petitioners, and in giving money to Murphy under the circumstances stated in evidence, has been highly unbecoming and suspicious; but that no sufficient proof has been brought of acts directly tending either to keep back evidence, or to procure false evidence, to induce the Committee to make a special report to The House. That the Committee highly disapprove of all interference by the agents or witnesses of either of the parties now before them with the witnesses of the other party.

Parties called in, and informed of the resolution of the Committee.

On the Vote of John Murphy, No. 26 on the Poll—(continued.)

(Voted for Mr. Gisborne.)

Mr. Henry Malcolmson again called, sworn, and cross-examined by Mr. Austin; re-examined by Mr. Wrangham.

Mr. George Wilson sworn, and examined by Mr. Wrangham; cross-examined by Mr. Cockburn.

Mr. Thomas Crawford Butler sworn, and examined by Mr. Wrangham; cross-examined by Mr. Cockburn; re-examined by Mr. Wrangham.

Mr. Daniel Hubbard sworn, and examined by Mr. Wrangham; cross-examined by Mr. Cockburn.

Mr. Humfrey sworn; produced the affidavit of registry of James Fighey.

Mr. John Lawler sworn, and examined by Mr. Cockburn.

[Adjourned to To-morrow, at Eleven o'clock.

Jovis, 30^o die Maii, 1839.

Names called over; all present.

Mr. John Lawler again called, sworn, and cross-examined by Mr. Wrangham; re-examined by Mr. Cockburn.

Mr. Thomas Prandy sworn, and examined by Mr. Cockburn; cross-examined by Mr. Wrangham; re-examined by Mr. Cockburn.

Mr. John Bellew sworn, and examined by Mr. Cockburn; cross-examined by Mr. Wrangham.

Mr. Patrick Dalton sworn, and examined by Mr. Cockburn; cross-examined by Mr. Wrangham; re-examined by Mr. Cockburn.

Mr. Cockburn was heard to sum up the evidence in support of the vote.

Mr. Wrangham heard against the vote.

[Adjourned till To-morrow, at Eleven o'clock.

Veneris, 31^o die Maii, 1839.

Names called over; all present.

Mr. Cockburn was heard on the cases cited by Mr. Wrangham.
Room cleared.

Motion made, That the vote of John Murphy is a bad vote, and that it be struck off the poll.

Question put. The Committee divided.

Ayes - - 5.

Mr. Ainsworth.
Colonel Butler.
Lord A. Lennox.
Mr. Maunsell.
Mr. Tollemache.

Noes - - 5.

Mr. Brocklehurst.
Sir Robert Dundas.
Mr. Martin.
Mr. Morris.
Mr. Protheroe.

The Chairman gave his casting vote with the Ayes.

Resolved, That the vote of John Murphy is a bad vote, and that it be struck off the poll.

Parties called in and informed thereof.

Mr. Wrangham was heard to apply to the Committee to reconsider their decision on the case of James M'Donnell.

Mr. Austin heard against the application.

Mr. Wrangham heard in reply.

Room cleared.

Resolved, That no sufficient grounds have been laid to induce the Committee to re-consider their decision as to the vote of James M'Donnell.

Parties called in and informed thereof.

On the Vote of *Michael Byrne*, No. 48 on the Poll.

(Voted for Mr. Gisborne.)

Mr. Humfrey sworn; put in affidavit of Michael Byrne.

Mr. Cockburn objected that the description of the voter in the list of objections was insufficient.

Mr. Thesiger heard against the objection.

The Committee decided that the description was sufficient, and that the case might proceed.

Mr. Thesiger proposed to put in a notice of the voter claiming to be registered.

Mr. Cockburn objected to such notice being given in evidence.

Mr. Thesiger heard in answer to the objection.

Mr. Cockburn heard in reply.

Room cleared.

Motion made, That the notice of claim to register sent in by Michael Byrne in 1837 may be produced in evidence.

Question put. The Committee divided.

Ayes - - 7.

Mr. Ainsworth.
Colonel Butler.
Lord A. Lennox.
Mr. Maunsell.
Mr. Morris.
Mr. Protheroe.
Mr. Tollemache.

Noes - - 3.

Mr. Brocklehurst.
Sir Robert Dundas.
Mr. Martin.

So it passed in the affirmative.

Parties again called in.

Mr. Humfrey further examined by Mr. Thesiger.

Mr. James Brennan sworn, and examined by Mr. Thesiger; cross-examined by Mr. Cockburn.

Mr. Thomas C. Butler sworn, and examined by Mr. Wrangham.

Mr. Cockburn objected to the course of inquiry pursued by Mr. Wrangham.

Mr. Wrangham heard in answer to the objection.

Mr. Cockburn heard in reply.

[Adjourned to To-morrow, at Eleven o'clock.]

Sabbati, 1^o die Junii, 1839.

Names called over ; all present.

The room was cleared.

Resolved, That the question proposed by Mr. Wrangham may be put.

Parties called in and informed thereof.

Mr. Thomas C. Butler again called, sworn, and further examined by Mr. Wrangham ; cross-examined by Mr. Austin.

Mr. George Wilson sworn, examined by Mr. Wrangham ; cross-examined by Mr. Austin.

During the examination of this witness by the Committee on an objection taken to the course of examination, the room was cleared.

The Committee deliberated.

Resolved, That the questions put to the witness George Wilson, and the answers of the said witness relative to his conversation with the voter Byrne on the 11th of May, be expunged from the Minutes.

Mr. George Wilson again called, and examined.

Mr. Edward Dowling sworn, and examined by Mr. Wrangham ; cross-examined by Mr. Austin.

Mr. James Brennan sworn, and examined by Mr. Wrangham ; cross-examined by Mr. Austin.

Mr. John Stoddart sworn, and examined by Mr. Wrangham.

Mr. Austin objected to the course of the examination pursued by Mr. Wrangham, and contended that the license of Nolan should be put in, in the first place, before questions were put relative to the general practice pursued on the granting such licenses.

Mr. Wrangham heard in answer to the objection.

The Committee decided that the license should be produced in the first instance.

Mr. Daniel Hubbard sworn, and examined by Mr. Wrangham ; produced the license of Nolan ; cross-examined by Mr. Austin.

[Adjourned till Monday, at Eleven o'clock.

Lunæ, 3^o die Junii, 1839.

Names called over ; all present.

Mr. Wrangham delivered in the license of Nolan.

Mr. John Stoddart again called, sworn, and further examined by Mr. Wrangham.

Mr. Daniel Hubbard again called, sworn, and further examined by Mr. Wrangham.

Mr. Henry Campion sworn, and examined by Mr. Wrangham.

Mr. Wrangham was heard to sum up the evidence against the vote of Michael Byrne.

Mr. Austin was heard in support of the vote.

Room cleared.

Resolved, That the vote of Michael Byrne is a good vote.

Parties called in, and informed thereof.

On the Vote of *Holton Davin*, No. 333 on the Poll.

(Voted for Mr. Gisborne.)

Mr. Humfrey sworn ; put in the affidavit of registration.

Mr. Matthew Jenkinson took the affirmation ; examined by Mr. Thesiger ; cross-examined by Mr. Cockburn.

Mr. George Hornick sworn, and examined by Mr. Thesiger ; cross-examined by Mr. Cockburn.

Mr. Thesiger was heard to sum up the evidence against the vote.

Committee-room cleared.

[Adjourned to To-morrow, at Eleven o'clock.

Martis, 4^o die Junii, 1839.

Names called over ; all present.

Mr. Austin replied in the case of Holton Davin.

Committee-room cleared.

Motion made, That the vote of Holton Davin is a bad vote, and that it be struck off the poll.

Question put. The Committee divided.

Ayes - - 4.
Mr. Ainsworth.
Lord A. Lennox.
Mr. Maunsell.
Mr. Tollemache.

Noes - - 6.
Mr. Brocklehurst.
Colonel Butler.
Sir R. Dundas.
Mr. Martin.
Mr. Morris.
Mr. Protheroe.

So it passed in the negative.

Resolved, That the vote of Holton Davin is a good vote.

The parties informed thereof.

On the Vote of *Owen M'Cabe*, No. 335 on the Poll.

Mr. Humfrey sworn, and put in affidavit of registration.

Mr. Stanley Johnson sworn, and examined.

Mr. Henry Malcolmson sworn, and examined.

Mr. George Wilson sworn, and examined.

Mr. William Pendred sworn, and examined.

Mr. James Brennan sworn, and examined.

Mr. Henry Campion sworn, and examined.

Mr. Thomas Haughton affirmed, and examined.

[Adjourned to To-morrow, at Eleven o'clock.

Mercurii, 5^o die Junii, 1839.

Names called over ; all present.

Mr. Thomas Haughton affirmed, and examined.

Mr. John Lawler sworn, and examined.

Mr. Hall Cullen sworn, and examined.

Mr. Cockburn summed up ; and

Mr. Wrangham replied.

The Committee-room was cleared.

Motion made, That the vote of Owen M'Cabe is a good vote.

Question put, and agreed to.

The parties informed thereof.

On the Vote of *Andrew Caulfield*, No. 36 on the Poll.

Mr. Humfrey sworn, and put in affidavit of registration.

Mr. Thomas Crawford Butler sworn, and examined.

Mr. Humfrey re-examined.

Mr. Thomas Crawford Butler re-examined ; put in decree of ejectment, 19 July 1836, of voter from premises for which he qualified.

[Adjourned to To-morrow, at Eleven o'clock.

Jovis, 6^o die Junii, 1839.

Names called over ; all present.

Mr. Thomas Crawford Butler sworn, and further cross-examined.

John Cary sworn, and examined.

Mr. Edward Dowling sworn, and examined.

Question put to the witness, " Did Mr. Smith agree to set the house to Bolger?"

Mr. Austin objected to the question.

Mr. Thesiger heard.

The room was cleared.

Resolved, That the question proposed by Mr. Thesiger may be put.
The parties informed thereof.

Mr. Edward Dowling further examined.

Mr. Humfrey sworn, and examined; put in minute of decree of ejectment,
October Sessions 1838.

Mr. George Wilson sworn, and examined.

Mr. Henry Malcolmson sworn, and examined.

Mr. Humfrey produced notices of application for registration.

Mr. Thesiger summed up.

Mr. Austin replied.

Mr. Thesiger replied.

The room was cleared.

Motion made, That the vote of Andrew Caulfield is a good vote.

Question put. The Committee divided.

Ayes - - 4.

Mr. Brocklehurst.

Sir R. Dundas.

Mr. Martin.

Mr. Morris.

Noes - - 6.

Mr. Ainsworth.

Colonel Butler.

Lord A. Lennox.

Mr. Maunsell.

Mr. Protheroe.

Mr. Tollemache.

So it passed in the negative.

Resolved, That the vote of Andrew Caulfield is a bad vote, and that it be struck off the poll.

On the Vote of *Matthew Milton*, No. 173 on the Poll.

Mr. Wrangham objected to proceeding with this objection, there being no Matthew Milton in the list of objected voters.

Mr. Humfrey put in the affidavit of registration of Matthew Milton.

[Adjourned to To-morrow, at Eleven o'clock.]

Veneris, 7^o die Junii, 1839.

Names called over; all present.

Mr. Wrangham continued.

Mr. Cockburn replied, that the Matthew Melton inserted by mistake in the lists for Matthew Milton was a sufficient designation.

The room was cleared.

Motion made, That Mr. Cockburn be permitted to proceed with his objections to the vote of Matthew Milton.

Question put. The Committee divided.

Ayes - - 9.

Mr. Ainsworth.

Mr. Brocklehurst.

Colonel Butler.

Sir R. Dundas.

Lord A. Lennox.

Mr. Martin.

Mr. Morris.

Mr. Protheroe.

Mr. Tollemache.

Noes - - 1.

Mr. Maunsell.

So it was resolved in the affirmative.

Thomas Prandy sworn, and examined.

Dr. Paul Cullen sworn, and examined.

William M'Cormack sworn, and examined.

John Lennon sworn, and examined.

John Lawler sworn, and examined.

Mr. Humfrey sworn, and examined.

Mr. Cockburn summed up.

Mr. Wrangham replied.

[Adjourned to To-morrow, at Eleven o'clock.]

Sabbati, 8^o die Junii, 1839.

Names called over; all present.

Mr. Wrangham continued.

The room was cleared.

Motion made, That the vote of Matthew Milton is a good vote.

Question put, and agreed to.

The parties informed thereof.

On the Vote of *Simeon Clarke*, No. 288 on the Poll.

Mr. Humfrey sworn, and produced affidavit of registration.

The witness, having stated that another voter of the name of Simeon Clarke had registered, required the certificate to be put in evidence.

Mr. Austin objected.

Mr. Thesiger replied.

The room was cleared.

Motion made, That the Committee will allow Mr. Thesiger now to produce the affidavit, but that it is to be considered as evidence only upon the preliminary point; and if used upon the argument of the case upon the merits, Mr. Austin will be entitled to the reply.

Question put. The Committee divided.

Ayes - - 9.

Mr. Ainsworth.

Colonel Butler.

Sir R. Dundas.

Lord A. Lennox.

Mr. Martin.

Mr. Maunsell.

Mr. Morris.

Mr. Protheroe.

Mr. Tollemache.

Noes - - 1.

Mr. Brocklehurst.

So it was resolved in the affirmative.

The parties informed thereof.

[Adjourned to Monday, at Eleven o'clock.

Lunæ, 10^o die Junii, 1839.

Names called over; all present.

Mr. Humfrey sworn, and examined; and put in second affidavit of Simeon Clarke; also certificate of Simeon Clarke, and poll-book of 1837.

Dr. Paul Cullen sworn, and examined.

Mr. J. H. Burgess sworn, and examined.

Mr. Thomas C. Butler sworn, and examined.

Mr. Humfrey re-examined; produced tally-slip, upon which Mr. Simeon Clarke proposed to vote.

Mr. Thesiger summed up.

Mr. Austin replied.

The room was cleared.

Motion made, That the vote of Simeon Clarke is a good vote.

Question put. The Committee divided.

Ayes - - 8.

Mr. Ainsworth.

Mr. Brocklehurst.

Colonel Butler.

Lord A. Lennox.

Mr. Maunsell.

Mr. Morris.

Mr. Protheroe.

Mr. Tollemache.

Noes - - 2.

Sir R. Dundas.

Mr. Martin.

So it was resolved in the affirmative.

The parties informed thereof.

On the Vote of *Rosel Adams*, No. 299 on the Poll.

Mr. Humfrey produced the affidavit of registration of voter.

Mrs. Sarah Adams called.

A discussion took place concerning the payment of the witness's expenses.

[Adjourned to To-morrow, at Eleven o'clock.]

Martis, 11^o die Junii, 1839.

Names called over; and it appearing that Mr. Protheroe was absent—

The Chairman stated that he had received a letter from Mr. Protheroe, stating that a serious accident prevented his attendance.

Ordered, To report accordingly.

Mercurii, 12^o die Junii, 1839.

Names called over; (except Mr. Protheroe) all present.

The Chairman informed the Committee, that The House had excused Mr. Protheroe for non-attendance yesterday, and had discharged him from further attendance.

Mrs. Sarah Adams called; and renewing her objection—

Mr. Cockburn stated that he would attempt to go on without her evidence.

John Kelly sworn, and examined.

Robert Ivers sworn.

Mr. Cockburn summed up.

Mr. Wrangham replied.

The room was cleared.

Motion made, That the vote of Rosel Adams is a good vote.

Question put. The Committee divided.

Ayes - - 5.	Noes - - 5.
Mr. Grote.	Mr. Ainsworth.
Colonel Butler.	Mr. Brocklehurst.
Lord A. Lennox.	Sir R. Dundas.
Mr. Maunsell.	Mr. Martin.
Mr. Tollemache.	Mr. Morris.

The Chairman gave the casting vote with the ayes.

So it was resolved in the affirmative.

The parties informed thereof.

On the Vote of *Thomas M'Ginness*, No. 75 on the Poll.

Mr. Humfrey sworn, and put in affidavit of registration.

Thomas Brady sworn, and examined.

Patrick Maher sworn, and examined.

[Adjourned to To-morrow, at Eleven o'clock.]

Jovis, 13^o die Junii, 1839.

Names called over; all present.

Mr. Gisborne addressed the Committee (as a petitioner and candidate), and requested to be furnished with a copy of the Minutes of the Proceedings, containing the lists of the divisions in every case, as a guide to the future proceeding of the petitioners against the return.

Mr. Thesiger declined to address the Committee upon the application.

The Committee-room was cleared.

Motion made, That the Committee have every disposition to grant the application of Mr. Gisborne, that both parties before them may be furnished with the lists of the various divisions in the Committee, and the names of the Members on each side; but the Committee are not satisfied that they possess the power of publishing any part of their

Minutes

Minutes without the direction of The House ; and they have directed their Chairman to consult The Speaker upon this point, before they come to any positive decision.

Question put, and agreed to.

The parties informed thereof.

Patrick Maher sworn, and further cross-examined.

The Chairman attended Mr. Speaker, and, being returned, informed the Committee, "That in reference to the application made by Mr. Gisborne, upon consulting The Speaker, he had given it as his decided opinion that the Committee had no power of publishing or reporting any part of their Minutes until the close of their proceedings, except in certain special cases contemplated by the Act ; and that the Committee was under the necessity of declining compliance with the application, which it had been the unanimous wish of the Committee, had it possessed the power, to have granted."

John Lennon sworn, and examined.

Dr. Paul Cullen sworn, and examined.

Mr. James Young sworn, and examined.

[Adjourned to To-morrow, at Eleven o'clock.

Veneris, 14^o die Junii, 1839.

Names called over ; all present.

Mr. James Young further examined upon a question as to the belief of the witness.

Mr. Thesiger objected.

Mr. Cockburn heard.

Committee-room cleared.

Resolved, That the Committee, having reference to the previous answers of the witness James Young, will permit Mr. Cockburn to question him as to his belief respecting the person by whom the plan was made ; the Committee regarding such a mode of cross-examination as a means of testing the credibility of the witness.

The parties informed thereof.

Mr. James Young farther examined.

Mr. Francis Malcolmson sworn, and examined.

Thomas M'Quaid sworn, and examined.

[Adjourned to To-morrow, at Eleven o'clock.

Sabbati, 15^o die Junii, 1839.

Names called over ; all present.

Thomas M'Quaid sworn, and examined.

In consequence of the sudden indisposition of an Honourable Member (Mr. Martin) of the Committee—

[The Committee adjourned until Monday, at Eleven o'clock.

Lunæ, 17^o die Junii, 1839.

Names called over ; all present.

Thomas M'Quaid sworn, and examined.

James Brennan sworn, and examined.

George Hornick sworn, and examined.

Mr. Wrangham summed up.

Mr. Cockburn replied.

The Committee-room was cleared.

Motion made, That the vote of Thomas M'Ginness is a good vote.

Question put. The Committee divided.

Ayes - - 6.

The Chairman.

Mr. Ainsworth.

Colonel Butler.

Lord A. Lennox.

Mr. Maunsell.

Mr. Tollemache.

Noes - - 4.

Mr. Brocklehurst.

Sir R. Dundas.

Mr. Martin.

Mr. Morris.

So it was resolved in the affirmative.

The parties informed thereof.

On the Vote of *Pierce Kelly*, No. 232 on the Poll.

Mr. Humfrey sworn, and examined; put in affidavit of registration of the voter.
Robert Ivers sworn, and examined.

[Adjourned to To-morrow, at Eleven o'clock.]

Martis, 18^o die Junii, 1839.

Names called over; Mr. Brocklehurst absent.

The Chairman informed the Committee that he had received a letter from Mr. Brocklehurst, stating that he was prevented attending the Committee on account of the death of his father, and requesting to be excused from further attendance.

Ordered, That the Chairman do report the above circumstance to The House.

[Adjourned to To-morrow, at Eleven o'clock.]

Mercurii, 19^o die Junii, 1839.

Names called over; and the Members, with the exception of Mr. Brocklehurst, having severally answered to their names—

The Chairman informed the Committee that he had applied to The House, and that The House had excused Mr. Brocklehurst from any further attendance.

Robert Ivers sworn, and examined.

Mr. Wrangham stated, that after the evidence of Mr. Ivers, not having any evidence by which he could rebut, he would allow the vote to be struck off the poll.

Motion made, That the vote of *Pierce Kelly* is a bad vote, and that it be struck off the poll.

Question put, and agreed to.

On the Vote of *Robert M'Dowell*, No. 221 on the Poll.

Mr. Humfrey sworn, and produced affidavit of registration.

William M'Cormick sworn, and examined.

Mr. Humfrey examined.

Mr. Austin proposed to put in evidence a book containing notices of applications to be registered, lodged with the Clerk of the Peace for 1835.

Mr. Wrangham objected; and

Mr. Austin and Mr. Wrangham severally heard.

The Committee-room was cleared.

Motion made, That the book containing notices of applications to be registered, lodged with the Clerk of the Peace for 1835, may be put in evidence.

Question put. The Committee divided.

Ayes - - 5.

Colonel Butler.

Lord A. Lennox.

Mr. Martin.

Mr. Morris.

Mr. Tollemache.

Noes - - 3.

Mr. Ainsworth.

Sir R. Dundas.

Mr. Maunsell.

So it was resolved in the affirmative.

The parties informed thereof.

Mr. Humfrey examined.

Mr. Austin stated that his case was closed; and

Mr. Wrangham stated that he did not call any evidence.

Mr. Austin then applied to recall Mr. Humfrey.

Mr. Wrangham objected.

The room was cleared.

Motion made, That Mr. Austin be permitted to re-examine Mr. Humfrey.

Question put. The Committee divided.

Ayes - - 3.

Sir R. Dundas.

Lord A. Lennox.

Mr. Morris.

Noes - - 5.

Mr. Ainsworth.

Colonel Butler.

Mr. Martin.

Mr. Maunsell.

Mr. Tollemache.

So it passed in the negative.

The parties informed thereof.

Mr. Austin summed up.

Mr. Wrangham replied.

The Committee-room was cleared.

The Committee determined to examine the witness William M'Cormick.

The parties were called in.

William M'Cormick examined by the Committee.

The room was cleared.

Motion made, That the vote of Robert M'Dowell is a bad vote, and that it be struck off the poll.

Question put, and agreed to.

The parties informed thereof.

On the Vote of *John Tynan*, No. 126 on the Poll.

Mr. Humfrey put in affidavit of registration.

Jovis, 20^o die Junii, 1839.

Names called over ; all present.

Mr. Thesiger made a special application to the Committee : Mr. Francis Malcolmson, a witness requisite to the case of John Hewitt Burgess, being peremptorily recalled to Ireland upon urgent private business, Mr. Thesiger applied to proceed with the case of Burgess, in order to discharge Mr. Malcolmson from further attendance.

Mr. Cockburn objected.

Mr. Francis Malcolmson sworn, and examined.

Committee-room cleared.

Motion made, That Mr. Thesiger be permitted to proceed forthwith with his objection to the vote of John H. Burgess.

Amendment proposed, To leave out all the words from the first word, "That," in order to insert the words, "the evidence of Francis Malcolmson, in respect to the vote of John H. Burgess, be taken forthwith, but that the Committee do proceed immediately afterwards with the case of John Tynan."

Question put, That the words proposed to be left out stand part of the question.

The Committee divided.

Ayes - - 3.
Mr. Ainsworth.
Colonel Butler.
Mr. Maunsell.

Noes - - 5.
Sir R. Dundas.
Lord A. Lennox.
Mr. Martin.
Mr. Morris.
Mr. Tollemache.

So it passed in the negative.

Question as amended put, and agreed to.

Resolved, That the evidence of Francis Malcolmson, in respect to the vote of John H. Burgess, be taken forthwith, but that the Committee do proceed immediately afterwards with the case of John Tynan.

The parties informed thereof.

Mr. Thesiger stated that, in order to have the case of Burgess taken immediately, he would abandon the objection to the vote of John Tynan.

Motion made, That the vote of John Tynan is a good vote.

Question put, and agreed to.

On the Vote of *John H. Burgess*, No. 303 on the Poll.

Mr. Cockburn applied that Mr. Burgess might be present during the examination concerning his vote.

The application was agreed to.

Thomas Crawford Butler sworn, and examined.

Mr. Humfrey sworn, and put in objection-slips to votes on polling.

Mr. Francis Malcolmson examined.

James Brennan sworn, and examined.

Mr. Job Leonard Campion sworn, and examined.

Mr. Burgess applied to address the Committee in contradiction of the evidence.

The Committee informed Mr. Burgess that he could not be so heard.

Mr. Thesiger summed up.

Mr. Cockburn replied.

Committee-room cleared.

Motion made, That the vote of John H. Burgess is a bad vote, and that it be struck off the poll.

Question put. The Committee divided.

Ayes - - 4.
Mr. Ainsworth.
Lord A. Lennox.
Mr. Maunsell.
Mr. Tollemache.

Noes - - 4.
Colonel Butler.
Sir R. Dundas.
Mr. Martin.
Mr. Morris.

The Chairman gave his casting vote with the ayes.

So it was resolved in the affirmative.

The parties informed thereof.

On the Vote of *Thomas Corcoran*, No. 193 on the Poll.

Mr. Humfrey put in affidavit of registration.

Mr. Wrangham heard against the vote.

[Adjourned till To-morrow, at Eleven o'clock.

Veneris, 21^o die Junii, 1839.

Names called over; all present.

Mr. Wrangham continued.

Mr. Austin replied.

The room was cleared.

Motion made, That the vote of Thomas Corcoran is a good vote.

Question put. The Committee divided.

Ayes - - 7.
Mr. Ainsworth.
Colonel Butler.
Sir R. Dundas.
Lord A. Lennox.
Mr. Martin.
Mr. Morris.
Mr. Tollemache.

Noes - - 1.
Mr. Maunsell.

So it was resolved in the affirmative.

The parties informed thereof.

On the Vote of *John Carpenter*, No. 291 on the Poll.

Mr. Humfrey sworn, and put in "objection slips" to voters.

Mr. Thomas Crawford Butler sworn, and examined.

Mr. Austin objected to the witness giving the common report of the town as reasons for his conduct.

Mr. Wrangham replied.

The Committee-room cleared.

Motion made, That the answer of the witness last made be allowed to remain upon the Minutes.

Question put, and agreed to.

The parties informed thereof.

Mr. Thomas Crawford Butler re-examined.

Mr. Henry Malcolmson sworn, and examined.

Mr. Wrangham proposed to examine the witness as to the absence of Dr. White.

Mr. Cockburn objected.

The room was cleared.

Motion made, That Mr. Wrangham be permitted to question the witness Malcolmson as to matters explanatory of the absence of Dr. White as a witness before this Committee.

Amendment proposed, To leave out all the words from the first word, "That," in order to insert the words, "the statements of Dr. White to the witness cannot be received in evidence," instead thereof.

Question

Question put, That the words proposed to be left out stand part of the question.
The Committee divided.

Ayes - - 2.
Mr. Maunsell.
Mr. Tollemache.

Noes - - 6.
Mr. Ainsworth.
Colonel Butler.
Sir R. Dundas.
Lord A. Lennox.
Mr. Martin.
Mr. Morris.

So it passed in the negative.
Question as amended put, and agreed to.
The parties informed thereof.

Mr. Henry Malcolmson re-examined.

[Adjourned to To-morrow, at Eleven o'clock.]

Sabbati, 22^o die Junii, 1839.

Names called over; all present.

Mr. Henry Malcolmson sworn, and examined.
Mr. George Wilson sworn, and examined.
Mr. Edward Dowling sworn, and examined.

[Adjourned to Monday, at Eleven o'clock.]

Lunæ, 24^o die Junii, 1839.

Names called over; all present.

Mr. Stanley Johnstone sworn, and examined.
Mr. William Fishbourne sworn, and examined.

Mr. Wrangham objected to Mr. Cockburn questioning, in cross-examination, the witness as to the circumstances under which the nine voters were rejected, as it might prejudice the case when brought before the Committee.

Mr. Cockburn heard.

The Committee-room cleared.

Motion made, That Mr. Cockburn be allowed to question the witness in cross-examination concerning the circumstances of rejection of the nine rejected voters.

Question put. The Committee divided.

Ayes - - 3.
Sir R. Dundas.
Mr. Martin.
Mr. Morris.

Noes - - - 5.
Mr. Ainsworth.
Colonel Butler.
Lord A. Lennox.
Mr. Maunsell.
Mr. Tollemache.

So it passed in the negative.
The parties informed thereof.

Mr. William Fishbourne re-examined.

Mr. Wrangham proposed to call evidence to prove that they had been unable to summon Dr. White.

Mr. Cockburn objected.

[Adjourned to To-morrow, at Eleven o'clock.]

Martis, 25^o die Junii, 1839.

Names called over; all present.

Mr. Wrangham replied.
The Committee-room was cleared.

Motion made, That Mr. Wrangham be allowed to prove by evidence that due diligence has been used by the agents for the sitting Member to procure the attendance of Dr. White as a witness before this Committee.

Question put, and agreed to.
The parties informed thereof.

Mr. Alexander Bate sworn, and examined.

Mr. Wrangham objected to Mr. Austin cross-examining the witness upon the merits of Carpenter's vote, the Committee being at present only upon the collateral issue of the absence of Dr. White.

Mr. Austin and Mr. Wrangham heard.

The room was cleared.

Motion made, That Mr. Austin be permitted to cross-examine the witness upon the general merits of Carpenter's vote.

Question put. The Committee divided.

Ayes - - 3.

Sir R. Dundas.

Mr. Martin.

Mr. Morris.

Noes - - 5.

Mr. Ainsworth.

Colonel Butler.

Lord A. Lennox.

Mr. Maunsell.

Mr. Tollemache.

So it passed in the negative.

The parties informed thereof.

Mr. Alexander Bate further examined.

Mr. Philip Deighton sworn, and examined.

Mr. Henry Malcolmson sworn, and examined.

Mr. Alexander Humfrey sworn, and examined.

Mr. Patrick Bolger sworn, and examined.

Mr. Wrangham objected to the witness giving in evidence conversations with the voter.

Mr. Austin heard.

The room was cleared.

Motion made, That Mr. Austin be permitted to ask the witness as to conversations held by the voter Carpenter, as evidence on the question of the voter's sanity.

Question put. The Committee divided.

Ayes - - 7.

Mr. Ainsworth.

Colonel Butler.

Sir R. Dundas.

Lord A. Lennox.

Mr. Martin.

Mr. Morris.

Mr. Tollemache.

Noes - - 1.

Mr. Maunsell.

So it was resolved in the affirmative.

The parties informed thereof.

Mr. Patrick Bolger further examined.

[Adjourned to To-morrow, at Eleven o'clock.]

Mercurii, 26^o die Junii, 1839.

Names called over ; all present.

Mr. Patrick Bolger sworn, and examined.

Mr. Thomas O'Meara sworn, and examined.

Mr. Peter Purcell sworn, and examined.

Dr. John Toumy sworn, and examined.

[Adjourned to To-morrow, at Eleven o'clock.]

Jovis, 27^o die Junii, 1839.

Names called over ; all present.

Dr. John Toumy sworn, and further examined.

Dr. Paul Cullen sworn, and further examined.

Mr. Austin summed up.

Mr. Thesiger replied.

The Committee-room was cleared.

Motion

Motion made, That the vote of John Carpenter is a good vote.

Question put. The Committee divided.

Ayes - - 7.

Mr. Ainsworth.

Colonel Butler.

Sir R. Dundas.

Lord A. Lennox.

Mr. Martin.

Mr. Morris.

Mr. Tollemache.

Noes - - 1.

Mr. Maunsell.

So it was resolved in the affirmative.

The parties informed thereof.

On the Vote of *John Dunne*, No. 73 on the Poll.

John Murphy sworn, and examined.

[Adjourned to To-morrow, at Eleven o'clock.

Veneris, 28^o die Junii, 1839.

Names called over; all present.

John Murphy sworn, and examined.

Dr. Paul Cullen sworn, and examined.

Dr. John Toumy sworn.

The room was cleared.

Motion made, That Mr. Austin do proceed forthwith in the summing up of his case.

Question put. The Committee divided.

Ayes - - 7.

Mr. Ainsworth.

Colonel Butler.

Sir R. Dundas.

Lord A. Lennox.

Mr. Martin.

Mr. Morris.

Noes - - 2.

Mr. Maunsell.

Mr. Tollemache.

So it was resolved in the affirmative.

The parties informed thereof.

Mr. Austin summed up accordingly.

Mr. Wrangham replied.

John Murphy further examined.

The Committee-room was cleared.

Motion made, That the vote of John Dunne is a good vote.

Question put, and agreed to.

The parties informed thereof.

Mr. Wrangham stated that he no longer entertained any hope, and abandoned the intention of placing Mr. Bruen in a majority. The parties were now equal in number of votes; and if the Counsel for the petitioners could succeed in striking off another voter from Mr. Bruen's poll, Mr. Bruen would then retire from the contest.

Mr. Austin then proposed to strike off

Patrick Hanlon, No. 27 on the Poll.

Mr. Humfrey sworn, and put in affidavit of registration.

[Adjourned to To-morrow, at Eleven o'clock.

Sabbati, 29^o die Junii, 1839.

Names called over; all present.

Andrew Finland sworn, and examined.

Committee-room cleared.

Motion made, That the Chairman be requested to admonish the witness in respect to the manner in which he has given his evidence.

Question put, and agreed to.

Andrew Finland re-called, and admonished accordingly.

Andrew Finland further examined.

Joseph Lynch sworn, and examined.

[Adjourned.]

Lunæ, 1 die Julii, 1839

Names called over ; all present.

Joseph Lynch sworn, and examined.

Mr. Thomas Haughton affirmed, and examined.

Mr. Stanley Johnstone sworn, and examined.

Mr. Patrick Finn sworn, and examined.

Mr. James Young sworn, and examined.

Mr. Henry Malcolmson sworn, and examined.

Mr. Wrangham summed up.

Mr. Austin replied.

The room was cleared.

Motion made, That the vote of Patrick Hanlon is a good vote.

Question put. The Committee divided.

Ayes - - 5.

Mr. Ainsworth.

Colonel Butler.

Lord A. Lennox.

Mr. Maunsell.

Mr. Tollemache.

Noes - - 3.

Sir R. Dundas.

Mr. Martin.

Mr. Morris.

So it was resolved in the affirmative.

The parties informed thereof.

Mr. Austin stated that they proposed now to proceed with the case of John Walsh, but that in consequence of the absence of a material witness (Edward Huband), he requested to be allowed to proceed with another case.

George Frederick Smith sworn, and examined.

The room was cleared.

Motion made, That Mr. Austin do proceed with the examination of his witness now present, in the case of John Walsh's vote, after which, the Committee will adjourn until to-morrow.

Question put. The Committee divided.

Ayes - - 7.

Mr. Ainsworth.

Colonel Butler.

Sir R. Dundas.

Lord A. Lennox.

Mr. Martin.

Mr. Morris.

Mr. Tollemache.

Noes - - 1.

Mr. Maunsell.

So it was resolved in the affirmative.

On the Vote of *John Walsh*, No. 28 on the Poll.

Mr. Humfrey sworn, and put in affidavit of registration.

James M'Donnell sworn, and examined.

[Adjourned to To-morrow, at Eleven o'clock.]

Martis, 2^o die Julii, 1839.

Names called over ; all present.

James M'Donnell sworn, and further examined.

Mr. Cockburn objected to the witness being examined as to his affidavit before the registering barrister.

Mr. Wrangham heard.

The Committee-room cleared.

Motion made, That Mr. Wrangham be permitted to pursue his cross-examination.

Question put, and agreed to.

The parties informed thereof.

James M'Donnell further examined.

Edward Huband sworn, and examined.

John Murphy sworn, and examined.

Mr. Patrick Finn sworn, and examined.

[Adjourned to To-morrow, at Eleven o'clock.

Mercurii, 3^o die Julii, 1839.

Names called over; all present.

Mr. Patrick Finn sworn, and examined.

Mr. James Young sworn, and examined.

Mr. William Fishbourne sworn, and examined.

Mr. Austin applied to the Committee to recall the two witnesses, Huband and M'Donnell, for the purpose of examining them upon the registration of Walsh.

The room was cleared.

Motion made, That the witness Huband be now re-called.

Amendment proposed, To leave out all the words from the first word, "That," in order to insert the words, "the witness Huband be re-called, after the Counsel on both sides shall have summed up, if any Member of the Committee shall then desire it," instead thereof.

Question put, That the words proposed to be left out stand part of the question.

The Committee divided.

Ayes - - 4.

Colonel Butler.

Sir R. Dundas.

Mr. Martin.

Mr. Morris.

Noes - - 4.

Mr. Ainsworth.

Lord A. Lennox.

Mr. Maunsell.

Mr. Tollemache.

The Chairman gave his casting vote with the noes.

Question as amended put and agreed to.

Resolved, That the witness Huband be re-called, after the Counsel on both sides shall have summed up, if any Member of the Committee shall then desire it.

The parties informed thereof.

Mr. Wrangham summed up.

[Adjourned to To-morrow, at Eleven o'clock.

Jovis, 4^o die Julii, 1839.

Names called over; all present.

Mr. Wrangham continued.

Mr. Cockburn replied.

Committee-room cleared.

Motion made, That the vote of John Walsh is a good vote.

Question put. The Committee divided.

Ayes - - 4.

Mr. Ainsworth.

Lord A. Lennox.

Mr. Maunsell.

Mr. Tollemache.

Noes - - 4.

Colonel Butler.

Sir R. Dundas.

Mr. Martin.

Mr. Morris.

The Chairman gave his casting vote with the ayes.

So it was resolved in the affirmative.

The parties informed thereof.

On the Vote of *Charles G. Forth*, No. 294 on the Poll.

Mr. Humfrey sworn, and put in affidavit of registration.

Mr. Robert Ivers sworn, and examined.

[Adjourned to To-morrow.

Veneris, 5^o die Julii, 1839.

Names called over ; all present.

Mr. Austin stated that he abandoned the objection to the vote of Charles G. Forth.

Motion made, That the vote of Charles G. Forth is a good vote.

Question put and agreed to.

On the Vote of *Henry Davies*, No. 281 on the Poll.

John Hewitt Burgess sworn, and examined.

Patrick Bolger sworn, and examined.

Mr. Humfrey put in certificate of registration.

Mr. Thomas Crawford Butler sworn, and examined.

Mr. Henry Malcolmson sworn, and examined.

Mr. George Wilson sworn, and examined.

Mr. Thesiger summed up.

Mr. Austin replied.

Committee-room cleared.

Motion made, That the vote of Henry Davies is a good vote.

Question put. The Committee divided.

Ayes - - 4.

Mr. Ainsworth.

Lord A. Lennox.

Mr. Maunsell.

Mr. Tollemache.

Noes - - 4.

Colonel Butler.

Sir R. Dundas.

Mr. Martin.

Mr. Morris.

The Chairman gave his vote with the ayes.

So it was resolved in the affirmative.

The parties informed thereof.

[Adjourned to To-morrow, at Eleven o'clock.

Sabbati, 6^o die Julii, 1839.

Names called over ; all present.

On the Vote of *Edward Dowling*, No. 321 on the Poll.

Mr. Thesiger objected to proceeding with the class of voters who had bribed other persons, or corruptly induced others to vote, which did not disqualify their own individual votes.

Mr. Austin objected that Mr. Thesiger could not take such preliminary objection without admitting the fact that the party did so bribe.

Mr. Thesiger replied to the objection of Mr. Austin.

The room was cleared.

Motion made, That Mr. Thesiger be permitted to argue the preliminary objection to Class 11.

Question put. The Committee divided.

Ayes - - 7.

Mr. Ainsworth.

Colonel Butler.

Sir R. Dundas.

Lord A. Lennox.

Mr. Maunsell.

Mr. Morris.

Mr. Tollemache.

Noes - - 1.

Mr. Martin.

So it was resolved in the affirmative.

The parties informed thereof.

[Adjourned to Monday, at Eleven o'clock.

Lunæ, 8^o die Julii, 1839.

Names called over; all present.

Mr. Wrangham was heard (against proceeding with Class 11, on the ground that the grounds of objection were not such as to disqualify the voter).

Mr. Cockburn heard; and

Mr. Wrangham replied.

The Committee-room was cleared.

Motion made, That the allegations contained in the heading of Class 11 do not appear to the Committee to furnish grounds for invalidating the votes enumerated under that class; and that the Committee, therefore, cannot proceed to receive proof of such allegations.

Question put. The Committee divided.

Ayes - - 5.

Mr. Ainsworth.

Colonel Butler.

Lord A. Lennox.

Mr. Maunsell.

Mr. Tollemache.

Noes - - 3.

Sir R. Dundas.

Mr. Martin.

Mr. Morris.

So it was resolved in the affirmative.

The parties informed thereof.

[Adjourned to To-morrow, at Eleven o'clock.]

Martis, 9^o die Julii, 1839.

Names called over; all present.

On the Vote of *Patrick Barry*, No. 334 on the Poll (a rejected voter),
sought to be placed on the Poll.

Mr. Humfrey sworn, and examined. Put in certificate of voter indorsed by the returning officer; also, the tally-slip with Barry's name; also, the objection-slip.

Dr. Paul Cullen sworn, and examined.

Mr. John Hewitt Burgess sworn, and examined.

Mr. William Fishbourne sworn, and examined.

Mr. Philip Deighton sworn, and examined.

Mr. Thomas C. Butler sworn, and examined.

Mr. Thesiger heard.

Mr. Austin replied.

The Committee-room was cleared.

Motion made, That the vote of Patrick Barry be placed upon the poll in favour of Mr. Gisborne, subject to objection by the opposite party.

Question put. The Committee divided.

Ayes - - 7.

Mr. Ainsworth.

Colonel Butler.

Sir R. Dundas.

Lord A. Lennox.

Mr. Martin.

Mr. Morris.

Mr. Tollemache.

Noes - - 1.

Mr. Maunsell.

So it was resolved in the affirmative.

The parties informed thereof.

The Counsel for the sitting Member then proposed to strike off the name of Patrick Barry.

Mr. Humfrey put in affidavit of registration.

Mr. Thomas Crawford Butler examined.

[Adjourned to To-morrow, at Eleven o'clock.]

Mercurii, 10^o die Julii, 1839.

Names called over; all present.

Mr. George Hornick sworn, and examined.

Mr. William Fishbourne sworn, and examined.

Thomas M'Quaid sworn, and examined.

James Brennan sworn, and examined.

John M'Donald sworn, and examined.

Mr. Austin summed up.

Mr. Wrangham replied.

[Adjourned to To-morrow, at Eleven o'clock.]

Jovis, 11^o die Julii, 1839.

Names called over ; all present.

Mr. Wrangham continued.

The room was cleared.

Motion made, That the vote of Patrick Barry is a good vote.

Question put. The Committee divided.

Ayes - - 6.

Mr. Ainsworth.

Colonel Butler.

Sir R. Dundas.

Lord A. Lennox.

Mr. Martin.

Mr. Morris.

Noes - - 2.

Mr. Maunsell.

Mr. Tollemache.

So it was resolved in the affirmative.

The parties informed thereof.

Mr. Wrangham applied to the Committee to make a special Report to The House as to the absence of Dr. White, for wilful absence, to avoid the service of the summons since the 2d of May last.

Mr. Austin heard against the application.

The room was cleared.

Motion made, That sufficient ground has not been shown to induce the Committee to make any special Report to The House respecting the absence of Dr. White as a witness.

Question put, and agreed to.

The parties informed thereof.

Mr. Wrangham and Mr. Austin having addressed the Committee—

The Committee-room was cleared.

Resolved,—

That Francis Bruen, Esq., is not duly elected a burgess to serve in this present Parliament for the borough of Carlow.

That Thomas Gisborne, Esq., the younger, is duly elected, and ought to have been returned a burgess to serve in this present Parliament for the said borough of Carlow.

That the petitions of Thomas Gisborne the younger, and of George O'Farrall and others, electors, do not appear to the Committee to be frivolous or vexatious.

That the opposition of Henry Cary and others, of Nicholas Byrn and others, and of William Cary and others, electors, severally admitted as parties to defend the return, does not appear to the Committee to be frivolous or vexatious.

That the Committee have altered the poll taken at the said election by striking off the names of—

William Moorehead,
William Robert Lecky,
Thomas Quinlan,
Philip Deighton,
John Walsh, of Graigue,
Robert Ivers,
Daniel O'Brien,
Thomas Greene,
John Murphy,
Andrew Caulfield,
Pierce Kelly,
Robert M'Dowell,
John Hewitt Burgess,

as not having had a right to vote at the last election, and by adding the name of Patrick Barry as having had a right to vote at the said election.

The parties informed thereof.

Ordered to Report.

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MINUTES OF EVIDENCE.

Mercurii, 1^o die Maii, 1839.

GEORGE GROTE, ESQ., IN THE CHAIR.

Hon. Pierce Butler.
Mr. John Martin.
Mr. Peter Ainsworth.
Mr. David Morris.
Lord Arthur Lennox.

Mr. Frederick James Tollemache.
Mr. Edward Protheroe.
Mr. John Brocklehurst.
Mr. Thomas Philip Maunsell.
Hon. Sir Robert Laurence Dundas.

The Names of the Members were called over—all present.

The Petition of *Thomas Gisborne*, the younger, of Horwich House, Derbyshire ;

The Petition of *George Farrall*, and other electors, complaining of the election and return for the Borough of Carlow, were respectively read.

Counsel : Mr. *Austin*, Mr. *Cockburn*.

Agent : Mr. *Baker*.

The Petition of *Henry Carey* and *Simeon Clarke*, electors ;

The Petition of *Nicholas Byrne*, and other electors ;

The Petition of *William Clay*, and other electors, severally praying to be admitted as parties to defend the return of the sitting Member, severally read.

Counsel : Mr. *Thesiger*, Mr. *Wrangham*.

Agent : Mr. *Bate*.

Mr. *Austin*, on the part of the opposing Petitioners, and Mr. *Thesiger*, on the part of the defending Petitioners, delivered in lists of objected voters.

[The Committee adjourned till To-morrow, at Eleven o'clock.

Jovis, 2^o die Maii, 1839.

GEORGE GROTE, ESQ., IN THE CHAIR.

The Names of the Members were called over—all present.

The *Chairman* announced that all the witnesses were to withdraw, and that no witness who remained in the room during the proceedings would be admitted to be examined.

Mr. *Thesiger* stated they might possibly have to call Mr. Fitzgerald as a witness; they had no objection to his remaining in the room, provided no objection was made by Mr. Austin hereafter.

The *Chairman* inquired if it was understood Mr. Austin made no objection to Mr. Fitzgerald being hereafter called as a witness.

Mr. *Austin* suggested, if he remained in the room he might examine him also.

Mr. *Thesiger* objected to such an understanding.

Mr. *Austin* stated they would insert his name as an agent.

Mr. *Thesiger* objected to his name being inserted.

The Committee resolved that Mr. Fitzgerald might remain in the room, without prejudice to Mr. Thesiger's calling him.

Mr. *Austin* was heard to open the case on the part of the Petitioners. The election took place on the 25th of February last, when Thomas Gisborne and Francis Bruen were the candidates. The numbers at the election were 167 for Mr. Bruen and 164 for Mr. Gisborne, leaving a majority of three for Mr. Bruen; and he should proceed, in the first instance, to place persons on the poll who had been rejected by the sovereign (the returning officer for the borough): it was not his intention to open any general case at present, nor to go into the case of bribery and corruption, which he should do in case he found it necessary.

Alexander John Humfrey, Esq., called in and sworn; Examined by Mr. Cockburn.

*A. J. Humfrey,
Esq.*

2 May 1839.

1. YOU are clerk of the peace for the county of Carlow?—Yes.
2. You acted as such at the last election for the borough?—Yes, I did.
3. Did you produce at that election the affidavits of registry of the voters for the borough?—I did.
4. Do you now produce the poll taken at the election?—
5. By Mr. *Thesiger*.] Did you say you produced them at the election?—I handed them to the deputy.
6. Have you got the poll-books?—Yes, I have the poll-books.
7. From whom did you receive the poll-books?—From Mr. Fishbourne, the sovereign.
8. The returning officer of the borough?—Yes.
9. When did you receive it; how soon after the election?—The morning after.
10. Mr. Fishbourne acted at the election as returning officer?—He did.
11. Who acted as poll-clerk?—Mr. Philip Dighton.
12. It has the usual affidavit annexed to it?—It has Mr. Fishbourne's affidavit.
13. Have you had that in your custody ever since?—I have.
14. Who settled the accounts of the election?—I know nothing about that.

Cross-examined by Mr. *Thesiger*.

15. You are the clerk of the peace for the county?—Yes.

Examined

Examined by Mr. Cockburn.

A. J. Hunsfrey,
Esq.

2 May 1839.

16. Do you produce the affidavits and certificates?—Yes, I have them all here.

17. You had better put them in.—

[The Witness handed in a box of affidavits and certificates.]

18. What I meant by asking about the costs of the election was, who paid the poll-clerk?—I do not know; I did not receive any thing, and had not any charge relating to it.

19. Do you know whether your deputy paid it?—I know not; he may or may not; it is not in my knowledge.

20. Is that your deputy's hand-writing?—[Handing a paper]—Yes, that is Mr. Robert Brown's affidavit.

21. Is he your deputy?—Yes.

Cross-examined by Mr. Thesiger.

22. Is Mr. Robert Brown living, and in full life?—Yes, to the best of my knowledge.

23. I was about to ask you whether there is not a town-clerk of the borough of Carlow?—Yes.

24. Has not that town-clerk the custody of the records of the borough?—He may have the papers relating to the borough, but not these affidavits.

25. You have been examined on this subject before; you have no doubt at all the town-clerk has the custody of the corporation records?—I am not concerned with the corporation in any way; it is only from general knowledge.

26. You are not concerned for the corporation at all?—No.

27. You have not the custody of their records?—No.

28. From whom did you receive the affidavits of registry?—These affidavits?

29. Yes.—I received them from my father, who was the former clerk of the peace.

30. You say you received them from your father, who was the former clerk of the peace?—Yes.

31. Do you know from whom your father received them?—He received them at the several registry sessions that were held.

32. And you sent those affidavits of registry to the election by your deputy, I understand?—I did.

Re-examined by Mr. Austin.

33. Do you produce the affidavits now?—Yes.

34. They are there, are they?—Those are the several affidavits.

35. Just tell me distinctly where you got them from?—In my own office in Carlow.

36. You succeeded to your father?—Yes; I produced those papers before, at the former Election Committee as clerk of the peace.

37. The petition that was presented against Mr. Maule?—Yes.

38. You took them back again, I suppose, with you?—Yes.

39. In that very tin box, perhaps?—I believe so.

40. And there they have been sleeping ever since, until the last election?—We have occasion to put in fresh affidavits at every quarter sessions.

41. Did you send those affidavits over to the election?—I brought them from the office, which is about 50 yards from the place where the election was held.

42. Do you live in the town of Carlow?—No, but I attend at the election.

43. You took them from your office to the poll?—I did.

44. Were they used at the poll?—They were.

45. And I suppose many of them are marked, are they not?—O, several.

46. And you had them afterwards?—Yes.

47. Who delivered them to you afterwards?—I took them up every evening from the deputy's, and locked them in the office, and put the key in my pocket.

48. And you deposited them every evening in that tin box?—Yes.

49. Have you kept them in safe custody until the present time?—I have.

50. You have told us the poll-book is in the same state as when it was delivered to you?—Yes, decidedly.

4 MINUTES OF EVIDENCE *taken before* SELECT COMMITTEE

A. J. Humphrey,
Esq.

2 May 1839.

Mr. *Austin* stated he proposed to put in the poll-books.

Mr. *Thesiger* was heard to object to the reception of the poll on this evidence, submitting that it was necessary to call the returning officer, or some other evidence, to verify the poll-books in the usual way. Under the 1st of George the 4th, chapter 11, provision was made for proving the Irish poll-books in an easy and very little expensive way, the object being to prevent the necessity of calling from Ireland persons merely to give what in general was nothing more than formal proof. If the returning officer passed over the poll-books to the officer of the place, with an affidavit in a particular form, that was sufficient. Under the third section of the Act, it provided for the handing over the poll-books to the officer of the place. The learned Counsel read the argument of Mr. *Austin* in the Ennis case, against the reception of the poll-books, under similar circumstances, and stated, in the last Carlow Borough case, it had been held that it was necessary to trace the books into the proper custody.

Mr. *Austin* submitted, the poll-books were abundantly proved. Against his own argument in the Ennis case, there was the decision of the Committee that the proof was sufficient. In the case of Clonmel also they had been admitted, under exactly similar circumstances. In the Sligo case, reported page 566 of *Faulkner*, the poll-book was produced with the usual affidavit of the clerk of the peace of the county of Sligo; and Mr. *Thesiger*, in support of the authenticity of the poll-books in that case, quoted also the case of Belfast, which was a case in point, and also the Cork case. It was true the decision of the Committee was that sufficient evidence had not been given of their authenticity in that case; but upon their being proved to be in the state they were at the time of the election, the Committee received them without further objection.

Mr. *Thesiger* was heard to reply.

The room was cleared.

The Committee deliberated.

Counsel and Agents were called in and informed by the *Chairman*, that the Committee have resolved that they are satisfied with the evidence which has been delivered of the proof of the poll-books, and that Counsel may therefore proceed.

The poll-books were then handed in.

Mr. *Cockburn* stated they objected first to

THE VOTE OF MATTHEW JENKINSON.

Matthew Jenkinson stood 6g on the poll; described as voting for a dwelling-house and premises, 10*l.* value. He appeared to have voted for Mr. *Bruen*; the qualification oath put to the voter, and vote objected to.

He was registered in 1836, in respect of a dwelling-house and premises in Barrack-street.

Ground of objection, that he had ceased to occupy the premises.

Mr. *Humphrey* produced the affidavit of Matthew Jenkinson, of Barrack-street.

Cross-examined by Mr. *Thesiger*.

51. There is another affidavit of Matthew Jenkinson?—There is.

Mr. *Cockburn* objected; he tendered the affidavit of Matthew Jenkinson, of Barrack-street. If there was any other it would be evidence on the other side.

52. Is

52. Is there not another Matthew Jenkinson, who is registered?

A. J. Humfrey,
Esq.

Mr. Cockburn objected, as it would appear from the registration; he had no objection to the affidavit being handed over, but it must be treated as Mr. Thesiger's evidence.

1 May 1839.

Mr. Thesiger stated he had no objection so to treat it.

The Witness produced the affirmation of a Matthew Jenkinson, butter-merchant, of Chapel-lane, in the town and county of Carlow.

Mr. Thesiger was heard to object to Mr. Cockburn's proceeding with this case, on the ground of sufficient notice not being given in the list of objections, to indicate which was the Matthew Jenkinson intended to be objected to. By the 47 George 3, chap. 14, sect. 1, it is enacted, "That in the list there shall be specified against every vote, and against the name of every voter contained in such list, the specific and particular ground or grounds of objection on which such party intends to object against such vote or voter respectively." The object of the Legislature was, the parties should have distinct notice of the individual intended to be objected to; it had been invariably held by the Committees where there were two persons of the same name, that it was necessary to indicate, by some number on the poll, which of the two individuals was intended to be objected to. In the last class (No. 2), Matthew Jenkinson is the second of those objected to; and the number against his name is No. 2, which was only the number in order in the particular list, and there was nothing further to indicate he was the Matthew Jenkinson, 69 on the poll, or any other Matthew Jenkinson that might be on the register. The learned Counsel quoted the Galway County case, Perry and Knapp, 521, and on the Hull case, in support of his argument.

Mr. Cockburn was heard to support his right to proceed. The answer was, that they had objected to both the Matthew Jenkinsons in Class 8; they objected to the other Matthew Jenkinson, and were prepared, when necessary to go into the case against the other Matthew Jenkinson. But the Act only states, it is necessary to specify the name of the voter objected to, and does not provide in case of there being two persons of that name, that they should be distinguished. The Act of Parliament interfered with the original right, which allowed any objection to be taken to any voter on the poll, and the Committee would not carry the Act further than its express provision rendered necessary. They were also prepared to prove the party in question had notice given him to produce his certificate if the Committee thought it necessary.

It appeared in the class of objections (No. 8), "each of the said persons have no affidavit of register, or whose affidavits of register are defective and invalid;" that a Matthew Jenkinson was objected to (No. 84).

Mr. Wrangham was heard to reply.

The Chairman inquired whether the Petitioners had served notice on both Matthew Jenkinsons?

Mr. Cockburn stated they had only served notice on the man at present objected to, to produce his certificate of register.

The room was cleared.

The Committee deliberated.

Counsel and Agents were called in, and informed by

The Chairman, that the Committee had resolved as follows:—That Matthew Jenkinson, of Barrack-street, carman, is not sufficiently identified in the list of objected voters delivered in to the Committee.

Mr. Cockburn requested permission to supply the absence of identity by the evidence he just now proposed to offer.

Mr. Wrangham objected to Mr. Cockburn being heard.

The Chairman desired Mr. Cockburn to proceed with his application.

6 MINUTES OF EVIDENCE *taken before* SELECT COMMITTEE

A. J. Humphrey,
Esq.

2 May 1839

Mr. *Cockburn* was heard in support of his application to produce evidence to identify the party, and to show the Matthew Jenkinson of Barrack-street had been served with notice to produce his certificate; he contended in the cases quoted, in which the Committee had refused to enter into cases where two parties of the same name were objected to, no such evidence had been offered which distinguished this case from those decided by former Committees.

Mr. *Wrangham* was heard to object to the application, submitting that the Committee had decided the case, and that this was only an attempt to induce the Committee to alter the decision which they had come to.

Mr. *Cockburn* replied.

The *Chairman* stated the previous decision of the Committee was come to in cognizance of the fact Mr. *Cockburn* intended to prove, and that it was the intention of the Committee in their resolution not to permit the objection to Matthew Jenkinson, of Barrack-street, to be inquired into.

Mr. *Cockburn* proposed to take the

CASE OF WILLIAM MOORHEAD.

The voter appeared 40 on the poll; described as of Charlotte-street dwelling-house and premises, value of 10*l.*; voted for Mr. *Bruen*; bribery oath and qualification oath put to the voter; vote objected to.

Ground of objection, loss of qualification.

The affidavit of register of William Moorhead described him as a house painter and glazier, of Charlotte-street; registered for house and premises, and registered 2d of January 1837.

Mr. *Humphrey*; Examined by Mr. *Wrangham*.

53. Is there any other affidavit of any other William Moorhead?—There does not appear to be any other.

Patrick Dalton called in and sworn; Examined by Mr. *Cockburn*.

Patrick Dalton.

54. DO you know the voter, William Moorhead?—I do.

55. Was Mr. Moorhead living in Charlotte-street in Carlow in the year 1837?—He was.

56. Did you take a room in the house in June 1837?—I did.

57. Just tell us what the house consisted of?—The house consists of four apartments; two below and two above.

58. Did you take the room of himself; of Dalton?—Of Moorhead?

59. Yes.—No, I took the room of his wife.

60. Tell us, when you went into the house, who were occupying the rooms down stairs?—The one I took there was no one in for some time.

61. Who were in the other room down stairs?—Moorhead's wife and a lodger of the name of Payne; a man and woman by the name of Payne; they lodged with Moorhead's wife; he was away himself when I took it in June; I believe he went to Dublin for the purpose of getting work.

62. Who occupied the two rooms up-stairs?—

63. By the *Committee*.] Where was Payne?—Below stairs, with Moorhead's wife.

64. By the *Committee*.] In the ground-floor?—Yes; I had one room on the ground-floor and Moorhead's wife had the other; she took in a man of the name of Payne to lodge with her.

65. Who had the up-stairs rooms?—A widow and three daughters, of the name of Mrs. Halfpenny, had the one, and a man of the name of Thomas Hogan and his wife had the other; one of the upper rooms was occupied by a widow of the name of Halfpenny, and the other was occupied by a man of the name of Hogan and his wife, a shoemaker.

66. You have told us of Moorhead going away to Dublin for work; when did he go?—I met him when I was coming home from Dublin in May; it was on the

4th of May; I met him between Kilcullen Bridge, or between Ballenterren and Dublin, and he said he was going to Dublin to look for work; it was the fair day of Carlow, the 4th of May 1837.

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67. Did his wife follow him afterwards?—No, she remained; I left the place; I was not in the place when I met him going; I was in another place convenient to his.

68. Did Moorhead, after you met him on the road going to Dublin, did he come back?—He did.

69. When did he come back?—I believe some time in August.

70. In the same year?—Yes.

71. When he came back in August of the same year, how long did he remain in Carlow?—Not very long; I cannot exactly say; but a very short time.

72. A few days, or a few weeks, or what?—I believe about a fortnight, or something thereabout.

73. When he went away from Carlow in the August, did he take his wife with him?—No, it was after her he went, for she ran away with this man, a man of the name of Payne, that she took in a lodger.

74. Did he ever come back?—He did.

75. When?—It was a long time until he found them out; he put them both to gaol.

76. Having succeeded in putting them both to gaol, according to their deserts, did he come back?—Yes.

77. Did he occupy his own room in the house in Charlotte-street?—He did.

78. How long did he stay there?—As near as I can think, about a week or ten days, and he let another good lodger in, a cobbler and his wife.

79. Do you know where he went to?—I cannot say.

80. Did he ever come back again after that?—He came back; he used to receive his pension every three months.

81. Did he ever come back to occupy the room in that house?—No, he did not.

82. When was the last time he ever occupied a room in that house; after he put his wife and her paramour into gaol?—Never, from that to this; only he got in with the people that lodged, that had rooms.

83. You say he was a pensioner?—Yes.

84. Did he come from time to time to receive his pension in Carlow?—I saw him at several times; he never came near me, although I have been in the house.

85. Have you been in the house ever since?—Yes, and my family are there still.

86. When he came from time to time to receive his pension, he never came to the house?—He never came to me, and I could never see him come to the house.

87. What became of the room that he and his wife had previously occupied?—He left it in the possession of a man of the name of Highland, Mike Highland and his wife.

88. How long did they keep it?—About three weeks or a month; about a month was the longest that they held it; some time about September.

89. Were they turned out?—I will tell you how that was; they took in other lodgers, girls of the town, to lodge with them, and I went to complain of them, and they threatened to burn the house, and they threatened to kill me, and I summonsed them; I got a warrant against them.

90. Were they turned out, the Highlands; who is the landlord of the house?—Stanley Johnston.

91. Is he a baker?—Yes.

92. Did he turn them out, he or his agent?—No, it was myself; when they threatened to burn the place, and kill me, and made an attempt, I went and summonsed them to the court; I got a warrant against them and these Highlands; as soon as they found there was a warrant against them, they eloped out of the house, and that is the way I got shot of them.

93. And I suppose you got rid of the young ladies?—Yes, and the next day I got shot of them too.

94. As soon as you had got rid of Highland and his wife and these respectable young women, did you take the room yourself?—I took the entire from Stanley Johnston's agent; the under part.

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95. What is his name?—James Brennen.
96. You then took the whole of the ground-floor?—Yes.
97. The room that Moorhead and afterwards Highland occupied, as well as your own?—Yes.
98. By the *Committee*.] When was that?—About October 1837.
99. You remained in it up to this time?—Yes.
100. Whom have you paid your rent to?—Brennen received it for three or four months after, and then my wife paid it always to Stanley Johnston; sometimes myself; he received up to February 1839.
101. If I understand you, the rent has been paid either by you or your wife either to Stanley Johnston's agent or to himself?—Yes, ever since.

Cross-examined by Mr. *Thesiger*.

102. What business did Moorhead carry on?—The business I knew him to be was a weaver; he used to weave in the Repository in Carlow.
103. Did he carry on the business of a painter and glazier?—I used to hear him say that he would, but no one in the town would employ him.
104. He did not carry on that business in the town?—He would not be so employed.
105. Was he in the habit of going about to different parts of the country for the purpose of getting work?—I used to hear him say so; I could not see and determine whether it was the case or not; he used to say so.
106. Now, when is the first time you remember Moorhead in this house?—I have known him to be in the house since 1836, because I lived within two doors of him before I took that place of him.
107. Do you know at that time whether he was in the habit of going away occasionally to work, and leaving his wife behind?—I never made any communication, or had any thing to do with them.
108. You do not know, in 1836, whether he was in the habit of doing that?—I knew him to be a weaver in the Repository.
109. My question is, whether you knew, in 1836, he was in the habit of going about the country for work, and leaving his wife behind him when he went?—I cannot say.
110. You knew nothing of his habits of life until May 1837?—June.
111. May 1837, you knew he was going away for work?—Yes, I met him coming; I was coming from Dublin; I met him on Carlow fair day, the 4th of May; but I was not in the house at that time; it was the June following.
112. Do you know, at that time, whether his house was generally occupied by lodgers, himself merely living in one of his rooms of the house?—I did know it to be occupied.
113. In that way?—Yes.
114. You knew, in May 1837, he was letting his house out in lodgings, and occupied one room himself?—Part of the time he occupied it.
115. All the time you have known him in that house, have you known him to be letting out portions of it to lodgers?—I know what lodgers have been there; I was acquainted lodgers were in that place; I did not know there was a room to let until I took one myself.
116. You knew there were persons occupying, as lodgers, rooms in that house?—I did.
117. How long did you know of that house being occupied by lodgers as well as by Moorhead himself?—Some time about 1836.
118. Then, in June 1837, you became the tenant and inmate of the house?—Yes.
119. Taking a room up-stairs?—No, down stairs.
120. Had you a family?—Yes, sir.
121. Mr. Stanley Johnston was the landlord of that house?—Yes.
122. You took your room from Mrs. Moorhead?—Yes.
123. What rent were you to pay for it?—One shilling and sixpence per week, for the one room.
124. Now, to whom did you pay your rent at first?—The first I paid was to Moorhead's wife.
125. Did you pay it weekly regularly?—Yes, weekly to her.
126. Regularly every week, week by week?—Yes.

127. Or

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127. Or did you let a week or two fall in arrear, and then pay two or three weeks?—No, not until Mr. Stanley Johnston came to receive it; then there was a week, a fortnight, three weeks or a month, or sometimes five weeks I let go.

128. How often did Moorhead go away after June 1837; how often did he go away for work?—I never knew him to go away but once after the wife, when the wife went away.

129. Do you mean to say he only went once for a week?—I do not know; I know he went away at the time I was coming from Dublin, and he went after the wife when I took the place.

130. That "first" was before you became an occupier in the place?—Yes.

131. After you became a lodger in the house, how often do you know of Moorhead having gone away for work?—I did not know him to go away for work; I knew him to go away after the wife.

132. He was absent at the time you took the house?—He was.

133. And he stayed away until the month of August; is that so?—Some time in August.

134. During the whole time of his absence after you became a lodger in the house, up to August, Mrs. Moorhead was there, was she not?—She was in it; it was either August or the latter end of August.

135. She was there the whole time, during his absence, after you became a lodger, until he returned?—Yes, you are right.

136. How long did they continue to live in that house after his return in August, or about August?—I think not more than about a week or ten days at the furthest.

137. Did you pay your rent at all after the return of Moorhead?—No.

138. Then were you in arrear when Mrs. Moorhead ran away with Payne; you were in arrear?—I believe I was; but he bought a book or something from me that she allowed me for.

139. A book or a something?—A medical book that he bought from me; she allowed me the rent for it.

140. That was to go in satisfaction of rent; how much did the medical book cost; how much was he to pay for it?—Only 8*d*.

141. That would not take half the rent?—I paid the wife before she went, and she allowed me that out.

142. Did she take the medical book?—He did himself; it was himself took it, and turned her over to me to pay it.

143. At the time she went away, were you not in arrear for your rent?—No, I was not.

144. Had you paid it all?—Yes.

145. Did you pay it to her after Moorhead returned?—I paid it to Brennen.

146. When Moorhead came back in August; he remained not more than 10 days, you say; during that time, a week elapsed, when you were bound to pay 1*s*. 6*d*.; did you pay any rent to Mr. Moorhead after his return?—No, I paid him no rent at all.

147. At the time when Mrs. Moorhead went away, which was about 10 days after the return, there must be some rent in arrear?—She went, and he followed presently.

148. There must have been some rent in arrear at that time?—I am inclined to think not.

149. You paid him no rent?—I paid him no rent at all, and took no place from him.

150. How soon, after Moorhead went away after his wife, did you pay any rent to any body?—I cannot exactly say; but Brennen called on me the next.

151. Brennen is the agent of Mr. Stanley Johnston, the landlord?—Yes.

152. Did you pay Brennen the rent which was due when he called?—O, yes, always did.

153. Attend to me; the first time that Brennen called after Moorhead had gone following his wife, did you pay the rent to Brennen?—Yes.

154. Did you pay him at the same rate, of 1*s*. 6*d*. a week?—I did.

155. How long did you continue to pay your rent, at 1*s*. 6*d*. a week, to Brennen?—I think about the latter end of September, or some time in September, when we got shot of those that Moorhead let in the place.

156. What, the lodgers there had been in the house when Moorhead was there?—Yes, a man by the name of Mike Highland and his wife, who were left in.

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157. Did Mrs. Moorhead take away the furniture as well as herself?—No, most of them were sold; she made away with most of them before she went away with this man.

158. She made away with great part of the furniture before she went; but there was some left?—All that was left was not worth 1*s.* 6*d.*

159. There was a small portion of the furniture left?—Yes.

160. Are you an appraiser; what business do you carry on?—I am a book-seller.

161. When was it you took the lower part of the house from Brennen?—Immediately after those got shot out of the house; this Highland and his wife.

162. Was it in September, or later than September?—I think the latter end of September, or the commencement of October.

163. You say there was a person of the name of Hogan, who was a lodger there?—Yes.

164. What part of the house did he occupy?—A room above stairs.

165. Do you remember, in the month of January, Moorhead coming back to the house, and Hogan refusing to let him in?—In January of what year?

166. Last January?—That is 1839?

167. Yes.—I do not remember any thing of that kind.

168. Do you remember, at any time, Moorhead coming back; it may have been in December; Moorhead coming back when Hogan refused to let him into the house?—I don't remember of it, nor do I think he came to look.

169. Do you remember it?—I do not remember his coming to look for any possession of it.

170. Do you remember his coming at all to the house, in December or January last?—I do not remember his coming to the house until February last.

171. When about in February do you remember his coming?—About the beginning of February.

172. Perhaps, I may have mistaken the date here; was Hogan then in the house?—He was.

173. Did Hogan refuse to let him into the house at that time?—I don't know.

174. You remember his coming, and it is not very long ago?—He wanted possession of me, but I would not give him any, so he summoned me to the court; I took no place from him.

175. He summoned you to the court?—Yes.

176. Who was the magistrate; was it Mr. Butler; No; when was it you went to the court upon his summons?—In the beginning of February.

177. Cannot you tell any nearer than that?—It was then he summoned me; I don't remember any thing about Hogan.

178. Did you not the day after the summons give up possession to Moorhead?—No, sir.

179. Did Hogan?—No, sir.

180. Did any of the lodgers?—A man that had no right; but he had the room from me; I owned the other part.

181. Did any person give him up possession after he had summoned you before the magistrate?—No; he got no possession, good or bad.

182. Do you know a person of the name of Curran?—I do, sir.

183. Did Curran give him possession?—No; he gave him liberty to lay in it for two nights before the election.

184. Do you mean to say, now, that after he had summoned you in the beginning of February, that Curran did not give him possession?—I could say, he gave no possession; he was forgave the rent; his wife told me.

185. That has nothing to do with my question; I ask you whether you will venture to swear Curran did not give him possession after he had summoned you before the magistrate?—He did not.

186. You mean to swear that?—I can swear all I know is, that he stopped the two nights; he lay there on Saturday and Sunday night before the election.

187. Do you mean to swear he was only there two nights before the election?—He came there on Friday, and I can swear he did not lay until Saturday and Sunday night.

188. My question is, whether you will venture to swear he was there only two nights before the election?—That I can.

189. And you do?—Yes.

190. What sums of money did you pay to Mr. Brennen?—Sometimes I used

to pay him 10s., a month's rent; I had the under part of the house, which I took from Brennen.

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191. Did you pay altogether a sum of between 3*l.* and 4*l.*; about 3*l.* 14*s.* 2*d.*?—I could not say what I paid; I kept no account; I always left it to Mr. Johnston; I saw him enter it in his book when I paid the rent.

192. Did you pay from September 1838 to February 1839?—I paid my rent all up from August 1837 until March 1839.

193. You paid it up to March 1839 to Mr. Brennen?—No, sometimes to Mr. Brennen, and sometimes to Mr. Johnston.

194. Brennen for Johnston, or Johnston himself?—Yes.

195. You have spoken of furniture having been disposed of by Mrs. Moorhead; what became of that; where did it go to, do you know?—I could not tell; only what I heard the husband himself say.

196. Do you know a person of the name of Galbraith?—I do.

197. What is Galbraith?—A shopkeeper.

198. Does he live near Charlotte-street?—He lives in Dublin-street.

199. Do you know Galbraith had the key of this house the whole time?—No; I never saw him; I went to look for the keys.

200. Did you get them from Galbraith?—He told me to go over to Mr. Johnston, and ask Mr. Johnston if he was satisfied to give me the keys.

201. He referred you to Mr. Johnston, to know if he should give the keys?—I will tell you.

202. Did you go back to Galbraith, and did you find he had the keys in his possession?—No, only so far as I have told you.

203. Did you get the keys?—I went to Mr. Johnston.

204. Did you get the keys?—No.

205. Were the keys refused to you?—Mr. Johnston told me, says he, "Until I get the keys I must give you a couple of bolts for the door;" he gave me a stick to make a bolt for the back door and front.

Re-examined by Mr. *Cockburn.*

206. Mr. Johnston afterwards furnished you with keys?—No, I never went to look for them afterwards.

207. Did you put on locks yourself?—No, I took off the locks; there were a couple of locks on; I took them off, and put on the bolts; Mr. Johnston gave me a couple of bolts.

208. And that satisfied you?—Yes.

209. Give me the dates exactly; in May you met him going to Dublin?—Yes.

210. And in June afterwards he came back?—Yes, I think it was.

211. And stayed a short time, and then went away again?—Stayed some time; then the wife went away, and he followed her.

212. Did he stay at home until the wife ran away?—He was not more than a couple of days at home when she ran away.

213. Did she run away in June or in August?—That I do not know; I believe it was in July.

214. Do you know when she ran away?—I remember the time well.

215. Was it in July, August or September?—I think it was in August.

216. August 1837?—Yes.

217. Last August twelve months?—Yes, two years next August.

218. If I understood you, at the time she ran away you were not in arrears for your rent?—No, I was not.

219. What rent accrued after she ran away you paid to Brennen?—Yes, and all along since.

220. As soon as Brennen got the Highlands out of the house, you took both rooms?—Yes, and then I paid 1*s.* for his room and 1*s.* 6*d.* for my own.

221. That you have held ever since?—Yes, to the present time.

222. You said he was a pensioner, and came from time to time to receive the pension?—I saw him two or three times; but he never came to demand rent from me, or ask possession.

223. Did he ever come to the house to your knowledge?—Not until he came last February.

224. Do you remember how long it was before the election he came?—He

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used to be in town, and stop in town, at lodgings; he did not come near the house.

225. When he came in February, can you tell how long that was before the election?—He was in town longer than February, but he did not come to ask.

226. You say in February he came to the house?—Yes, and wanted possession of me.

227. How long was that before the election?—A very short time; I cannot say exactly.

228. He asked possession of you, did he?—Yes.

229. And you refused to give it?—Yes.

230. And he summoned you before the magistrate?—Yes.

231. Was the summons dismissed before the magistrate?—Yes, it was, and told him they could not decide in their court; that he should serve a notice.

232. You told us Curran let him in?—Yes.

233. Did Curran remain in the room at the same time?—Yes, Curran and his wife and two children, or, I believe, three; they all remained in the room until some time—

234. After the election?—Yes, until some time after the election.

235. Then, when my friend has asked you whether Curran has let him into possession, you do not mean to say Curran went out; what do you mean?—There was no possession further than that he went in and stopped in along with the rest of the family, with Curran and his family.

236. You say he slept there, before the election, two nights?—Yes, two or three nights; I think it was two; to the best of my knowledge, no more than two.

237. Did he bring any furniture at all into the house for those two nights, or did he sleep on Curran's furniture?—I did not see any.

238. You did not see him bring any in?—No.

239. You saw no bed brought in?—Not a "ha'-porth" that I saw; I understood there was a bed of straw came in the next morning.

240. You have paid your rent up to the present time either to Mr. Brennen or Mr. Johnston?—No; I paid up to the 25th of March; I paid up to the 18th of March; then Mr. Johnston refused taking rent from me, although he was in the habit of it since the election.

241. Is Mr. Johnston a political supporter of Mr. Bruen in Carlow?—I do not know; I believe he is; I have paid to Moorhead, by Mr. Johnston's order, since the 25th of March.

242. You say since the 25th of March you paid to Moorhead by Mr. Johnston's desire?—Yes.

243. I was about to ask you whether Mr. Johnston is not, to your knowledge, a political supporter of Mr. Bruen?—He is.

244. By Mr. *Austin*.] What is Johnston's name?—Stanley.

Mr. *Thesiger* stated he voted for Mr. Bruen.

245. You know Mr. Brennen?—Yes.

246. You paid your rent to him?—Yes.

247. Do you know he is very active for Mr. Bruen?—

Mr. *Thesiger* objected to the inquiry into the conduct of persons who might be called as witnesses.

Mr. *Cockburn* stated that was the case against the vote.

[The Witness withdrew.]

CASE IN SUPPORT OF THE VOTE.

Mr. *Stanley Johnston* called in and sworn; Examined by Mr. *Thesiger*.

Mr.
Stanley Johnston.

248. I BELIEVE you are the owner of a house in Charlotte-street, in the town of Carlow?—Yes.

249. Did you at any time, and when, let that house to the voter, William Moorhead?—In 1836.

250. What rent was Moorhead to pay you for it?—Eleven pounds.

251. Eleven pounds a year?—Yes.

252. Do you know whether, after Moorhead took the house from you, he let persons in as lodgers?—He did.

253. Occupying

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253. Occupying himself, I believe, one of the rooms in the house?—Sometimes two; at the beginning he had two.

254. And sometimes one, according as he could let his rooms, I suppose?—Yes.

255. Was he in the habit of going away at times to find work about the country?—He did.

256. Now, during his absence, was his wife generally left behind?—Until one of the lodgers ran away with her, or she with him, one of the two.

257. The wife was generally left behind, until she was run away with, or rather she ran away with the lodger; when was that?—About a year and a half or two years ago.

258. When Moorhead went away and left his wife behind, had you any thing to do with receiving the rents from the lodgers, or did she receive them, if there were lodgers in the house?—She received them, partly, herself when he was away, and then he paid me the rent afterwards.

259. When he returned he paid you the rent?—Yes.

260. Why did he pay you the rent?—Sometimes he would give me his pension bill, and at other times he would give me money that he had earned.

261. Which he had earned in his trade?—Yes, just so.

262. Now, do you remember Moorhead going away after his wife when she eloped with this lodger?—He did go away; I think he went to Newtownbarry to work.

263. Did he leave lodgers in the house when he went?—He did.

264. Now, after that time did you receive the rents from the lodgers?—I did not.

265. Who did?—A man of the name of Brennen.

266. Was he your agent and collector?—He was his agent.

267. By the *Committee*.] Whose agent?—Moorhead's.

268. Did he pay over any rent on account of Moorhead to you?—He did.

269. Did you apply that to Moorhead's credit in satisfaction of the rent of 11*l.* a year?—I did.

270. When did Moorhead come back to Carlow, do you remember?—I think it was in — was it the last time, or the time before?

271. He went away after his wife, and, as you think, went to work at Newtownbarry; did he return to the house after that?—He did.

272. How soon after he went away did he return to the house again?—I think it would be about four or five months.

273. Was any room kept for him in the house?—He had one room when he came back.

274. How long did he remain in the house after he came back?—He was there, as far as I can understand.

275. By Mr. *Austin*.] Do you know, of your own knowledge?—He came and paid me the rent every time; I did not go to the house to see him.

276. He came and paid you the rent?—Yes.

277. How long did he continue coming to pay you the rent after that time?—I think I was paid for about a month or so.

278. Did he then go away again?—He went away again after that.

279. Do you recollect about the time when he went away again; the first time after he had gone in pursuit of his wife?—In September last.

280. Now, while he was away from September last, did you receive the rents either from the lodgers or from Brennen?—I received them from the lodgers.

281. How long did you continue to receive the rents from the lodgers?—Four months and a little more; about four months.

282. Did you also apply those payments, Mr. Johnston, to the credit of the rent that was due from Moorhead?—I did, and it made it up to November last; the gale day.

283. How soon after September 1838 did Moorhead return to the house?—In February he returned.

284. Do you recollect what part of February?—I think it was about the beginning of February he returned, to the best of my knowledge.

285. Had you received the rent from the lodgers up to that time; you say for four months; he going in September, October, November, December and January; had you received the rent up to that time?—I did up to February.

286. And that satisfied his rent up to November, the last gale day?—It did,

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287. When are the gale days?—May and November.
 288. Since he came back, in February, has he been in the occupation of that house?—In the first beginning, I believe, he did not get in; they turned him out; they beat him out; he got to his room, but they turned him out.
 289. By Mr. *Austin*.] Do you know that?—No, I do not.
 290. Is he in possession of the house now?—Yes, he is.
 291. Do you recollect when he first got into possession, on his return?—In February; to the best of my belief, it was in February.
 292. Has he ever surrendered the premises to you at all?—Never.
 293. Is he not liable to you for the rent?—Yes, certainly.
 294. Did Dalton, a person of the name of Dalton, ever come to you to take the house from you, or any portion of the house?—He did.
 295. When was that?—It was the time that Moorhead was there; before September.
 296. Did you let any portion of the house to Dalton?—Not a bit, not one room.
 297. Was Dalton ever tenant to you of any part of that house?—Never.
 298. With whom, during the absence of Moorhead; with whom was the key of the door of that house left?—I do not know of my own knowledge.
 299. It was not with you?—No.

Cross-examined by Mr. *Austin*.

300. Do you recollect the voter's wife going away in August 1837?—I cannot exactly say as to the time.
 301. You remember hearing of it at the time?—Yes.
 302. It was about August 1837?—I believe that was about the time.
 303. I think I understood you to say the voter left Carlow about that time; did he not?—He did.
 304. And was absent, how long?—He was absent about four or five months.
 305. About how many months?—About four; it might be five, at the furthest.
 306. Did you see him on his return?—I did.
 307. Did you see him in lodgings at that time?—No.
 308. Where did you see him?—I saw him in my own house.
 309. You live in the town?—I do.
 310. Did you see him any where else but at your own house?—I saw him up at his house afterwards.
 311. When?—About that time; but exactly the time I cannot say.
 312. About four or five months after August, you say you saw him up at the house, besides seeing him at your house?—Yes.
 313. You did?—I saw him after he came to make a complaint to me.
 314. Does that fix the time in your memory?—As to the time I cannot say, but as to the transaction.
 315. When he came to make the complaint, he came to your house?—Yes.
 316. Do you say you saw him in the house?—Yes.
 317. When?—I saw him in the house at this time, when he made the complaint about one of the tenants saying bad things of him.
 318. They were complaining to you?—He was complaining of their conduct.
 319. Where did you see him?—I saw him in the hall.
 320. In the hall of what house?—In the hall of his own house.
 321. That was at the time there was some complaint made?—Yes.
 322. Between him and whom?—Moorhead.
 323. Moorhead is the man?—I mean between him and Dalton.
 324. What is the "hall" of that house?—The passage going in; there are rooms on each side.
 325. There is an outer door leading into a passage, is there?—Yes.
 326. And from that passage you have access to the other rooms of the house?—Yes.
 327. And probably to the staircase?—Yes.
 328. The hall of the house is not one of the rooms of the house?—No.
 329. No chairs?—I did not go into the house.
 330. You were standing outside the door?—Yes.
 331. And you saw Moorhead in the hall of the house?—I went up to the house.
 332. You did not go in?—I did not go in.

333. You stood outside the house, and saw Moorhead in the hall of the house ; is not that it?—Yes.

334. And Dalton?—No, I did not; I asked him if Dalton was at home, and he said not.

335. You saw him then in the hall of the house?—I did.

336. Had you seen him before at any one time?—Frequently.

337. How long?—Do you mean at any time?

338. Yes, just so.—Not many times at all.

339. How many times; once?—I am certain once.

340. Are you certain you saw him more than once?—Not until I went up to the house; after that he was frequently with me.

341. Did you see him at your own house after that?—I did.

342. Did you ever see him any where else, except at your own house; now recollect?—Not in any place that I recollect.

343. Never?—I have seen him at Mr. Galbraith's house.

344. Now, let us understand distinctly how it is; you saw him once at your own house about four or five months after he left Carlow at August?—He was several times at my own house at that time; he came to my house; then I went up to the house, to his house; and from that I returned; after that, he was several times at my house, and I saw him at Galbraith's house.

345. You saw him once at your own house?—Yes.

346. Then once in the hall?—Yes.

347. Then you saw him frequently afterwards at your own house?—Yes.

348. And once in Galbraith's?—Yes.

349. Did you ever see him in any other place?—No.

350. Whenever you saw him, he came to you?—Yes; he came down to me if he wanted to see me.

351. Did you see him at any lodgings in the town?—Never, but at his own house?

352. When you say you never saw him any where but at his own house, I presume you mean you never saw him any where, except at your house, unless on the occasion when you saw him in the hall; is not that it?—I might see him going backwards and forwards in the street.

353. Did you?—I did.

354. Then you have seen him at your house, at Galbraith's house, in the hall, and in the street, backwards and forwards?—I have.

355. Did you lose sight of him again after that?—He went away.

356. And after he went away on that occasion, when did you see him the next time?—I saw him in February.

357. Last February?—Yes; either in January or February, he came back, I will not be positive.

358. Which?—I cannot be positive; I am positive of his being in February; I think he was also there in January.

359. Did you see him shortly before the election?—I did.

360. How many days did you see him before the election?—About a month, I think.

361. Where did you see him?—He came to my own house.

362. Did you see him at any time during the month before the election; any part of the intervening time?—Not between the time he went away.

363. Did you see him at any time during the month before the election?—Frequently.

364. Where at?—At my house.

365. What was the last time at which you saw him at your house before the election?—I think he was there a couple of days; and he was there the very day of the election; the very day, or the day before it; it must be two days, because the day before was Sunday, I think, and my place is not open on a Sunday; so I am positive he was not there then.

366. Did you see him on the Saturday?—I did.

367. What time?—In the morning he came down.

368. Had you seen him on the Friday?—I do not know, but I might; but I cannot positively state.

369. Recollect whether you did not see him on the Friday?—Yes, I dare say I might; I might have seen him, but whether or not I cannot say positively, because I did not make any remark about his being backwards and forwards.

414.

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370. Try

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Stanley Johnston.

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Stanley Johnston.

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370. Try and charge your memory, and tell me distinctly whether you did or not see him on the Friday?—I cannot say.

371. Will you undertake to say you did not see him on the Friday?—I cannot.

372. You cannot undertake to say you did not?—No.

373. Might he have been at your house on the Friday?—He might, for what I know.

374. You are sure he was there on the Saturday?—I was not at home on the Friday; I was out coursing.

375. Did you see him on Thursday?—I might on Thursday, because I was at home all day.

376. And you saw him on Saturday morning?—I think I saw him on Saturday; to be certain I cannot; it is out of my power to be certain of the days.

377. Had you any talk with him about the election?—Yes, I think I did; I think I had some chat along with him.

378. About the election?—I dare say I might.

379. When might that chat have taken place, Saturday or Friday?—It was a longer time ago than that.

380. Had you chat with him about the election so late as Friday or Saturday?—I had not.

381. Did you go to the house during the time?—I did not.

382. Never once?—I did not.

383. Have you been to the house since the time?—No.

384. Never?—I have not been up into the house, I suppose, not for these six months.

385. But you saw him repeatedly at your own house, you say?—Yes.

386. How many times did he call to pay his rent during that time?—During the time that he came between the times, do you mean?

387. During the last month.—I do not think he called during that last month; that is, until March; I do not think he paid any rent until March.

388. He did not call to pay rent until March?—Because the rent was paid.

389. And if the rent was paid, I presume he did not call to pay his rent during that month?—No, he called to know how it was; when he called, he asked me how the rent was, and I told him how we stood.

390. How many times might he call during the month?—Several times; he might have been in the house six or eight times; it may be 20 times, for aught I know; he was very often backwards and forwards.

391. What is his station in life?—A painter and glazier.

392. Is he a journeyman painter and glazier, or does he carry on business of his own?—He carries on business for himself, when he has it; he goes out and paints; he painted for myself, and glazed windows.

393. He is a painter and glazier, and carries on business for himself, you say?—That is, he goes out; he has no shop.

394. Where does he keep his pots, lead and bits of glass?—I cannot tell you that; I found the glass, and I found the paints, and he did the work.

395. He is employed by you in a manner, is he not?—Whenever I have any work to do, he sometimes does it; others do it at other times.

396. You find the paint and glass, and those things?—I found the glass, and I found the paint.

397. Do you mean that one occasion, when he was at your house, or generally?—When I employed him, I bought the paint and glass, and he used it.

398. You find the materials, and he comes and does the work?—Yes.

399. Did any of your windows want mending, or your house want painting, for the last month?—He never did it to my own house, it was to other houses of mine.

400. He did not call about that?—No, but he might call about work which he did; he called about a job he was getting.

401. Was it upon some of these occasions you had the talk you have described about the election?—No.

402. I should like to know when that occasion was in which the talk about the election occurred?—Shortly before the election.

403. Now, fix me the day, when was it?—I cannot, upon my word, fix the day; I took no account of it; he got chatting to me about it, and I told him I expected he would vote for Mr. Bruen.

404. Did you begin the conversation so to him; you told him you expected he should

should vote for Mr. Bruen?—I cannot say how the conversation began; I mentioned that —

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405. Did you begin or he?—I think he began.

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406. You told him, you say, you should expect he should vote for Mr. Bruen?—Yes.

407. If you will be so kind, I shall extremely like to know when that conversation took place?—It was some time before the election, but what time before the election, I cannot say; it might be a week before the election; I think that was about the time.

408. Perhaps I can give you some assistance; about a week before the election; do not you recollect, Mr. Johnston, it was in the week which occurred before the election took place; the election began on the Monday?—It was in the week before that.

409. Was it not in the week before that?—I made no memorandum of it at all, and thought nothing further about it.

410. If, instead of answering quite so hastily, you will be so good as to consult your recollection, I have no doubt your memory will return; tell me whether it was not in the week just before the election took place?—I cannot say; the week the election took place——

411. No, the week before the election took place?—I cannot say whether it was that week or not.

412. You recollect the conversation you have stated to the Committee?—I certainly do.

413. Now, did you know at that time that he was living in lodgings in the town of Carlow?—I did not know he was living in lodgings.

414. Did you not know that he was not living in the house you have been talking about in the town of Carlow?—I did not know whether he was or was not, because I did not go to the house to see.

415. You did not know whether he did or did not, because you did not go to the house to see?—No.

416. I will repeat the question to you, and I will thank you to answer it; did you not know he was not living in that house?—I knew so far; I cannot explain it, may be, to satisfy you in this way; that the person came and told me that he was living with one of the tenants; one of the tenants told me he was living in the house.

417. When was that?—Above a week before the election.

418. Was it in the week before the election?—It was above a week.

419. Do you mean to say it was more than a week before the election?—Yes.

420. Tell me the name of that tenant?—Curran.

421. Did Curran come to tell you that?—Curran told me that.

422. Where did you see Curran?—I saw him in my own house.

423. What is Curran; what business is he?—A painter.

424. Does he paint in the same way that Moorhead does?—I think much the same.

425. I do not ask which is the superior in painting, but whether he goes out doing the jobs?—He has done a job for me.

426. How often had you seen Curran in that week?—I cannot exactly say; I might have seen him twice; I dare say I might have seen him two or three times, but whether more than that I cannot say; he was in the habit of coming to the house very often.

427. Will you undertake to say you did not see him more than twice in the week before the election?—I believe it might be more than twice; I cannot exactly say; he comes frequently backwards and forwards.

428. Will you undertake to say you did not see him more than three times in the week before the election?—I cannot undertake to say I have.

429. Will you be so good as to tell me whether you will undertake to swear you did not see him every day in the week before the election?—I will.

430. How many days occurred in that week you did not see Curran?—I am positive I did not see him every day.

431. Tell me if you did not see him six days out of the seven?—I did not.

432. Did you see him five days out of the seven?—I am not positive how many.

433. Will you swear you did not see him five out of the seven?—I can.

434. Do you?—I do; because I was not at home two of the days.

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435. Will

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435. Will you swear you did not see him four days out of the seven?—No ; I might.

436. Did you see him more than once on the same day?—I do not think I did.

437. On which of those days was it that he told you that Moorhead was living with him?—It was before that.

438. When?—It was before the week before the election.

439. Then the week before that?—I cannot exactly say ; I know it was before that.

440. Some time before the week before the election?—Yes ; that is to the best of my belief ; that was it.

441. You have told us at what time it was you asked Moorhead for his vote, when you said you should expect him to vote for Mr. Bruen ; when was that?—A week before the election.

442. Was that after you saw Curran?—It might have been a little more than a week.

443. Was it after you saw Curran?—I dare say it might ; because Curran was in with me several times.

444. Do not you know it was after Curran had told you he was living with him?—No, it was before that ; no, I think it was before.

445. Will you swear it?—I cannot be positive.

446. Will you swear it?—I cannot say exactly ; to the best of my knowledge it was about the latter end of the one week or the beginning of the other ; but which I cannot exactly say.

447. By the *Committee*.] Where did Curran live?—In the same house.

448. By the *Committee*.] When Curran said this man was in lodging, it was supposed to be in his house?—He said he was in his own house ; that Moorhead was in his own house.

449. Curran told you so?—Yes, but I cannot say it of my own knowledge.

450. Curran told you he was in his house?—Yes.

451. Did you ever receive any rent of Curran?—Never.

452. You never did?—Never—stay a bit—yes, I did ; it was sent to me ; now I recollect ; I was very near forgetting that.

453. When was that?—I think it was either in January or February.

454. What year?—I think it might be in January.

455. What year?—This year ; O, this year.

456. Did you not receive rent from Curran in this year?—I say this year ; I think it was in this year.

457. When?—It was either in January or February ; it was sent to me.

458. Have you had any talk with Curran about Moorhead's being with him ; aye, just recollect?—

[The Witness was ordered to withdraw.

Mr. *Thesiger* submitted that the evidence could not be received of a conversation between the Witness and a third party.

Mr. *Austin* was heard to support his right to pursue the examination.

Mr. *Thesiger* withdrew his objection.

Cross-examination continued.

459. When did you last see Moorhead?—The morning I was coming away.

460. From Carlow?—Yes.

461. Where did you see Moorhead?—I saw him in my own house ; he came to my own house.

462. What time did you leave Carlow?—Nine o'clock.

463. In the morning?—Yes.

464. Did you go by coach or car, or what way?—Came by the coach.

465. And it leaves Carlow at nine?—Yes.

466. What time did you see Moorhead at your house ; before nine, of course?— I think it was about eight o'clock he came.

467. This very week, I suppose?—It was this week ; last Monday.

468. You saw him last Monday morning, before eight o'clock?—Yes.

469. And was he coming to do any work at your house?—No.

470. Did

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470. Did you see him on the Sunday?—No; I do not think I saw him on the Sunday, except I might see him in the street.

471. You did not talk to him?—No.

472. Did you see him on Saturday?—I might have seen him; but I had no conversation with him, to my knowledge.

473. Did you see him in the week before?—Yes.

474. Several times?—I dare say three or four times.

475. When did you see him?—He came in of the morning for bread, and sometimes in the evening.

476. Have you seen him since the election?—I have.

477. Frequently?—Frequently.

478. At your own house?—Yes.

479. Or at his?—I never saw him at his own house; I did not go there.

480. You have never seen him there?—Not since the election, except at my own house, or about the street.

481. You have not seen him at his own house since the election?—No.

482. As I call it "the" house, you have seen him at your house?—Repeatedly; he comes there at times he wants bread, or any thing he wants.

483. Did you see him at the house before the election?—Yes.

484. When, before the election, did you see him at the house?—He came——

485. No, not at your house; at "the" house?—It was a good while before the election I saw him at the house; I did not see him often between the two times.

486. When you saw him in the hall, you mean?—Yes.

487. If I understand you right, you have never seen him except on that occasion at the house since August 1837?—I had no occasion to go there; while they pay me the rent, I never trouble the house.

488. You have never seen him since August 1837, with the exception of the time you saw him in the hall?—Not in his own house.

489. Did you ever see him with Curran?—I did.

490. When?—Two or three times with him.

491. Did you ever see him with Curran after the election?—I did see him coming down the street, and into the shop.

492. Did you see him with Curran after the election?—I did.

493. Did you see him with Curran during the election?—No.

494. Did you see him with Curran before the election?—I did.

495. Did you see him with Curran on the Saturday before the election?—I do not think I did.

496. Will you swear you did not?—No; because he might have come in with him.

497. You might have seen him with Curran on the Saturday?—I cannot say I did.

498. You will not say you did not?—He might have been in the place.

499. Did you see him with Curran on the Friday?—No, because I was out on Friday.

500. Did you see him with Curran on any other day in that week before the election?—I might; I cannot exactly say; he might have come into the place with him; the people when they come in I do not mind, only my business.

501. Did you see him with Curran about the time when you told him you should expect he should vote for Mr. Bruen?—Curran was not with him at that time.

502. Had you seen him with Curran before that time?—I might perhaps have seen him.

503. And after that time?—And after that time; they seemed to be very friendly together, going backwards and forwards.

504. Did he promise to vote for Mr. Bruen when you said you expected he should vote for him?—He did; he said he intended it.

505. Did you know at that time where he was living?—I could not know, of my own knowledge, any further than what I conceived that he was in his own house.

506. You did not know?—I did not see him in it.

507. Had you any talk with him about where he was living?—No.

508. Aye?—I had; I had talk with him and he told me it was in his own house; that he was going to his house, and he wanted some bread; he has often said that; that he was going home with his bread.

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509. I am now talking of the time before the election, about the time when you asked him to vote for Mr. Bruen; he said he was going home with the bread?—Yes, he said he was going home.

510. Where that home was, you do not know?—I saw him going up in the direction often to the house; as to further, I did not see him into the house.

511. Do you mean to tell the Committee you never had any talk with him as to where he was living?—I never knew him to live in any place.

512. Do you mean to tell the Committee you never had any talk with Moorhead as to where he was living a week before the election?—I had; I know so far, as what he said, that he was up at his own house; that is all I can tell about him; there was a little difference between the parties.

513. Was that about the time when you asked him about the vote?—It was before that.

514. He told you this before that, did he?—Yes.

515. Did you tell him; did you give him any advice as to sleeping in his house; now, Mr. Johnston, did you give him any advice on that subject?—(a pause)—But he said himself; he came to me, and told me that he wished to be in his own house, and they wanted to keep him out.

516. Was not something said about his wishing to be in his own house for the purpose of voting at the election?—He said he wished to be in his own house; the man of the name of Dalton had beat him out of his room; that is what he said.

517. Did he say he could not vote in consequence of his not being in his house?—He did not.

518. Did you talk about his voting in reference to his not being in his house?—No.

519. Do you mean to say nothing of that sort passed between you?—No, nothing as to that; not as to not being in the house; I consider —

520. Not as to what?—Not as to his being in the house.

521. Did you advise him to go to his house?—I did; I told him to get into his house when he came and complained that they had beat him out; I told him, said I, "You go to your house and make them give it to you."

522. When was that?—That was in February.

523. What time of February?—Early in February, when they beat him out of it.

524. When was it; was it in the first week or second week?—I cannot exactly say; it was early in February.

525. Do you mean to say it was before the 20th of February?—That he was beat out?

526. That you told him to go into his house, when you say he was beat out?—It was before the 20th of February, I think.

527. Will you undertake to swear that?—I could not; to the best of my belief it was; I did not keep any account of the kind.

528. Had you any conversation with Curran about his sleeping there?—I had.

529. When had you conversation with Curran about Moorhead sleeping there?—I think it was in February.

530. Do not you know it was in February?—I think it was, I say.

531. Have you any doubt?—I have no doubt but what it might be February.

532. Have you any doubt it was in February?—I think, to the best of my knowledge, it was in February.

533. Have you any doubt about it?—I cannot be sure; to the best of my belief, it was in February.

534. Have you any doubt of it?—I cannot say further than that; I cannot be positive any further, than, to the best of my belief, it was in February he came to me.

535. Who came to you?—Curran.

536. On that occasion, had you some conversation with Curran about Moorhead's sleeping in the house?—At that time, he said Moorhead had asked him to give him up his room, and I said, "that I should be very glad that he did"—

537. Go on?—That was all the conversation we had, and he said, "he had no objection to it."

538. Do you mean to swear that was all the conversation that passed between you?—I do.

539. When was that?—I think it was in February, to the best of my knowledge.

540. Will

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540. Will you swear it was not the week before the election?—I swear it was before that.

541. Will you swear it was a fortnight before the election?—I think it was; to the best of my belief, I think it was in February, as near as I can go.

542. Do you remember Moorhead going to the justice's or to the magistrate's?—Yes, I heard them talk of it.

543. Do you remember the time when that was talked about?—I cannot exactly say.

544. Do you remember its being talked about?—I do.

545. Do you mean to tell me that you had that conversation with Curran at that time; had you that conversation with Curran at that time?—He was at the magistrate's twice; now, which is the time that you mean?

546. The first time that he went to the magistrates, had you had the conversation with Curran?—I do not think I had the first time.

547. Had you had that conversation the second time when he went to the magistrate's?—I think, myself, the first time; whether it was between or after, I cannot exactly say; I know I had not, the first time.

548. Having fixed that, I will ask you whether you will swear whether that conversation was not in the week before the election?—It was more than a week, I think, before the election.

549. You told me it was after he had been to the magistrate's; that you recollect?—After the first time.

550. I ask you to recollect yourself, and tell me whether it was not in the week before the election?—I think it was before the week before the election.

551. Will you swear it was not the week before the election?—I think it was more than a week before the election.

552. Did you not yourself advise Moorhead to ask Curran to let him sleep in Curran's room?—Curran came down to me——

553. No, no; answer that question; did you not yourself advise Moorhead to apply to Curran to let him sleep in his room?—No.

554. You did not?—No.

555. Upon any occasion?—Not to Moorhead; I asked the man himself.

556. You asked Curran himself?—Yes, I did.

557. After you had asked Curran?—

558. By Mr. *Thesiger*.] You were going to say something about Curran coming down to you?—Curran came down to me and we talked; we got saying something; I cannot say exactly what it was; he said, I think it was, that Moorhead had desired him to come down, or something of that sort, to speak to me; when he came down, I told him I would be obliged to him to let Moorhead into his room, to prevent any squabbling between them; and he said he would, and he went away.

559. Did you tell Moorhead of that?—I did;—no, I do not know that I told him, because he went up; Moorhead came down to me and said he had got the room.

560. Did Curran come to you at your request; did you send for him, or did he come of his own will?—I cannot say whether Moorhead—he said, I think it was, that Moorhead had sent him down; I cannot be positive about it.

561. Was that before you had asked him to vote, or afterwards?—I really cannot exactly say; it is impossible for me to recollect exactly as to the day.

[Adjourned till To-morrow, at Eleven o'clock.

Veneris, 3^o die Maii, 1839.

GEORGE GROTE, ESQ., IN THE CHAIR.

The Names of the Members were called over—all present.

Mr. *Stanley Johnston* called in and sworn ; Re-examined by Mr. *Thesiger*.

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562. YOU stated yesterday, in an answer to some questions from my friend, that you received rent from some lodger in the house, of the name of Curran ?—I did.

563. Did you apply that rent to the credit of Moorhead, in satisfaction of Moorhead's rent to you ?—I did.

564. Was that part of the rent which went to pay the November rent ; the gale day was on the 21st ?—The 12th of November was gale day ; that went to make up the rent.

565. That went to make up that rent ?—Yes.

566. I think you stated that this man Moorhead had done work for you in painting and glazing ; are you the owner of other houses besides this house in Charlotte-street ?—I have four in Charlotte-street, and nine in another street, Montgomery-street ; and it was in Montgomery-street the work was done by him.

567. From whom are you to receive the rent that will become due in May ?—From Moorhead.

Examined by the Committee.

568. You gave a key of this house to Moorhead ?—I gave the keys of all the rooms to him.

569. There are keys to all the rooms ?—And the hall-door.

570. Have you received those keys back ?—Never seen them from the day I gave them to him to this moment.

571. When he is absent from home, who takes care of the key of the hall-door ?—He gives them up to a person of the name of Galbraith.

572. You have not the key at the present moment ?—Never had the key in my life since.

573. Who pays the taxes of this house ?—I did not pay any taxes.

574. Who does pay ?—I do not know who pays them ; I do not recollect paying any at all.

575. Who does pay them ?—I cannot say ; I do not know about the taxes ; I do not recollect about paying them.

576. How are the taxes paid in Carlow ?—About 4*d.* in the year for a house ; if I have the house set to lodgers myself, I should then pay the taxes ; when I set the whole house, then I do not pay the taxes.

577. Do you consider Moorhead to be the only person responsible to you for the rent ?—Certainly.

578. The only person responsible to you for rent ?—I never looked to any other, and I consider him the person and the only person.

579. How long has he been in possession of this house ?—In May I think he will be three years in possession ; the 12th of May.

580. Has his wife ever been heard of since ?—Not that I heard of.

581. She has not come and taken possession of the room ?—She never was in it since she went away.

582. In Moorhead's absence did you ever apply to the other tenants for rent ?—Never ; I never applied to them for rent ; not on my own account ; I might have sent to them to come to pay Moorhead's rent, but not on my own account.

583. Then you have applied to the tenants and lodgers to pay rent ?—Yes.

584. Your rent was 11*l.* a year, was it not ?—Yes.

585. Mr. Dalton's rent ; what was Dalton's rent for the ground-floor ; he had two rooms ?—He had first one room ; he paid 1*s.* 6*d.* ; then he got another for 1*s.* ; that was 2*s.* 6*d.* ; then he took another for 1*s.* 4*d.*, and then he gave it up afterwards ; he gave up that room again.

586. Then there were some rooms above ?—Those were set to some other persons.

587. Did

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587. Did you receive the rent from those people in the upper story?—I do not know which rooms they are.

588. There were some rooms first on the ground-floor; how many were there on the ground-floor?—Two.

589. What was the rent of those two rooms?—I cannot exactly say which of the rooms it is; one is at 1s. 4d., another at 1s. 6d., another at 1s., and the 1s. 4d. while he was away.

590. Did you let those rooms?—No.

591. You found them let, did you?—They were let when he went away; all but one room was let while he was away, and given up again.

592. By whom?—It was let by Brennen.

593. Did the rent which you received from the lodgers amount to more than the rent due to you from Moorhead?—I think there is 2s. or 3s. balance.

594. What have you done with that balance?—It is left to his account.

595. Have you ever paid him the balance that was due to him?—No, he did not ask for it.

596. You mentioned, after Mrs. Moorhead went away, that Brennen received the rent?—He was appointed by Moorhead to receive the rents while he was away.

597. You said Brennen was agent to Moorhead?—Yes, he acted as agent to him.

598. How do you know he was agent?—Because they had a difference about the money he charged him for receiving while he was away, and it was in my place they had the difference about it, and before me; he came and wanted me to get him to take less for receiving the account while Moorhead was away.

599. First of all Brennen received the rent, and then afterwards you received the rent of those lodgers; what was the reason Brennen discontinued receiving the rent, and you received the rent in his place?—The reason why he did not get Brennen to receive it the second time was, because he thought he charged too much for his trouble in receiving, and he was appointing another person.

600. Who was the other person?—The other person was named Curran; I said I would be receiving it myself, because it would take what little profit from the place he would have while he would be away; I thought I would put it to the rent, and receive it while he was away, and so I did.

601. You told Dalton in future to pay the rent to Moorhead?—I did.

602. When was that?—In February.

603. What was your reason for doing that?—Moorhead called on me.

604. Did Moorhead request you to do so?—Moorhead said he wished to receive the rent himself; he came with the rent, and I told him to pay it to Moorhead.

605. Do you know what Moorhead's circumstances were; was he very poor; were you afraid of not obtaining the rent from him?—I never was afraid of him as to rent; he is poor, but he is honest.

606. Did you receive the rent from the lodgers thinking you could not get it from Moorhead?—O no; I received it from the lodgers to save Moorhead the expense of the receiver he was appointing.

607. Then you meant to continue receiving it?—I received it until he came home, and then they paid Moorhead themselves; all the lodgers did.

608. Did you make this arrangement with Moorhead, when he was absent the lodgers should pay you?—Yes; I said I would receive it in place of the person he was appointing, this Curran.

609. And Moorhead is still in possession of the key of the house?—Yes.

610. And you consider him as the tenant of the house?—I do.

611. Have you ever entered any summons against Moorhead in consequence of arrears of rent due from him?—No, I had no occasion.

612. Has the rent ever been in arrear?—The most it was in arrear was about 4l. or 5l. to 6l. at a time.

613. Did it remain in arrear long?—No. He gave me his pension-money, and that brought it up.

614. What was the amount of his pension-money?—Two pounds odd.

615. Per annum?—No, the quarter. It came to about 12l. a year, the pension; 3l. one time and 2l. another; it came to about 12l. a year.

616. Do you mean that you have received Moorhead's pension regularly each year?—No, no, I do not say that. At the beginning he paid me his pension-

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money, and he paid me some other money beside ; then he gave the tenants orders to pay me; that was appointing Brennen ; then I received all the time Brennen had to do with it ; he paid me the money.

617. When you say he gave you the pension at the beginning, what time do you speak of?—From 1836 to 1837. One part of 1837 he gave me his pension-tickets.

618. Did you receive his pension-money in the year 1838?—I did not.

619. He received it then himself?—I received the tenants' money, and he gave me some other money beside ; he did not give me the pension-ticket.

620. When did his wife elope?—I think it was between 1837 and 1838.

621. Was it after she eloped that he became more irregular in his rent?—It was after she eloped he got a little in arrear.

622. From the time that Moorhead first took possession of your house up to the present moment, you have always considered him as your tenant?—Certainly.

623. Although he was absent for a year, you considered him your tenant during the whole time, and liable to the rent?—Certainly ; during the time he was away I considered he was my tenant.

624. You state that solemnly on your oath?—I do, solemnly on my oath. I never considered any other, directly or indirectly, any other person than him as my tenant.

625. How often do you consider the rent due?—Twice a year I consider the rents due ; but it was by the quarter he took it first ; I never minded ; I took the rents, and always made it a half year.

626. Was there more than a half year due at one time?—Yes, there was ; there was 6*l.* something ; 5 *l.* or 6 *l.* ; about 6 *l.* was due at one time.

627. When was that?—

Mr. *Thesiger* requested the Committee to inquire whether he was absent so long as 12 months.

628. State how long Moorhead was absent at any time previous to the election, whether it was 12 months or not?—From the last election?

629. Previous to the election ; for what length of time was he absent?—He was absent about five months at the furthest, to the best of my knowledge.

630. And never more than five months at a time?—I do not know but what he might have been a little longer before ; he was rather absent longer before.

631. Ever a year at a time?—He was longer away the first time before the second time.

632. Any time since he rented the house of you, has he been longer away than one year at a time?—He was not a year at any time.

633. Was he pursuing his regular business?—Yes ; he might go out to job at a place and stay away ; he was at Newtonbarry for a great while.

634. Did he leave furniture in the house?—So they told me ; I cannot say it of my own knowledge.

635. The last time he was absent was about five months?—Yes.

636. The previous time longer?—Yes.

637. Was it in the previous time or the last time he was most deficient in his rent?—It was before he went away the last time that he had been in arrear, but up to the time he was going away, he was very near clear with me by handing me some money ; then he went away, and during the time he was away, this money I got made up the year and a half's rent ; it made up the two years' rent first before the last time.

638. Did he pay up the two years' rent at one time?—No, but the different payments made up two years ; then the next payment made up half a year ; the last half year.

639. Did you receive much more than the real rent ; I cannot understand how the arrear of rent, the rent running on, could be made up by the tenants paying you?—The tenants pay me more than what the rent is.

640. How much?—I think it is about 3*l.* a year ; nigh about that.

641. More than the rent?—Yes.

642. Did that go into his pocket?—While he was away he had it.

643. Was that the beneficial interest he derived from taking this house?—That is what he had by it ; by setting it ; after he had his room clear.

644. Do

644. Do you mean he had a profit of 3*l.* a year by letting the house out to lodgers?—He had; between 2*l.* and 3*l.* a year is what he gets.

645. You informed the Committee that the excess of 2*l.* or 3*l.* a year you paid over to Moorhead?—Yes; what I received myself I paid over to him; that is, I put it into his accounts; I did not pay it into his hands back again.

646. Had you any other account with Moorhead, except payment of rent?—No, I had not; he used to pay for what he got.

647. Have you been in the habit of making any entry in any account-book, in regard to these partial receipts of rent?—Yes, I did.

648. Did you enter them in an account-book as being the discharge of rent due to you from Moorhead?—Certainly.

649. You entered them in that form?—Entered them to his account, every thing I received; so much a year his house.

650. That was the way in which you were in the habit of entering these sums received, was it?—Yes, to his account.

Mr. Austin requested the Committee to pursue the examination as to the book.

651. Have you got the book here?—I have not.

652. By Mr. Austin.] Will you ask where it is?—In Carlow.

653. In summing up the different receipts on the one hand, and the rent at various times which you have received on the other side, you said there was about 3*s.* due?—I cannot exactly say the exact sum; there is a few shillings over; I made it up before I came away.

654. That is in his favour?—That is in his favour.

655. The houses you have in Carlow, are they let out in the same way as Moorhead seems to have let out his to lodgers?—No; the account I kept was only the amount I received.

656. Do any of the tenants of that house which you have in Carlow, beside the one you let to Moorhead; are they let out as lodgings?—I have one house.

657. And have you received the rent from those lodgers?—I received the rent from the lodgers I have.

658. Do I understand you that they are underlet; do any of your tenants underlet their houses beside Moorhead?—Yes; there is one that has half a house that does it; I let one man half a house, and he has lodgers in that half house; I have the other side, which I receive from the lodgers.

659. Do you receive the rents from those lodgers?—I do.

660. And place them to the account of the other tenants?—No; that man keeps his half house to himself, and he pays me 6*l.* for half the house; then there are three more tenants in the other side, and they pay me; one is a poor man, and I do not charge him any thing; he was a poor man, who lived with me, and I do not charge him any thing; he was ill.

661. What rent did you receive from the tenants of the upper rooms in Moorhead's house?—I have received from which rooms? I cannot state which rooms they are; all I know is, that the different tenants came and paid me.

662. State what the different tenants of the upper rooms paid you?—Five pounds.

663. How much a week?—One of them, Dalton, paid me at first, after Moorhead gave him up to me for a tenant, when I said I would receive the rents; he paid me 2*s.* 6*d.*; then he took another room afterwards at 1*s.* 4*d.*; then there was another person.

664. Who got that room after when Moorhead went out to give it up?—Curran.

665. What has Curran paid you a week?—Curran paid 1*s.* 4*d.* a week up to the 11th of January, or the 11th of February.

666. Are there two one and fourpences?—Yes.

667. At what time was it that those women of rather disreputable character lived in the house; there were some females of disreputable character lived in the house; do you recollect the period?—They came and complained of it.

668. What time?—Between five and six months ago since they came and made a very heavy complaint; I think they made two complaints; the last time they made a heavy complaint, saying by night he got a bad woman into the house.

669. Who did?—This Dalton and wife.

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670. Dalton and wife did?—Said that Moorhead did keep a person; I made as much inquiry as I could, and I could not find it was true.

671. How long is that since?—About five months.

672. What time did Moorhead go away?—He went away immediately after that.

673. There was another lodger in the house beside Dalton and Curran; was there another lodger in the house besides Curran in the up-stairs room?—I do not know which rooms they have.

674. I should like to know what Hogan paid a week?—Hogan pays 2 s. 6 d.; no, Hogan pays 1 s. 4 d.

675. What did all the rooms let for; how many lodgers were there in the house?—There were four at the time he was away.

676. What did they all pay together per week?—There was 2 s. 6 d. from Dalton, 1 s. 4 d. from Hogan, and 1 s. 4 d. from Curran.

677. Moorhead has been your tenant for about three years?—Three years next May.

678. How often have you or he settled accounts, so as to say the balance of rent is due to me so much; now you go on again?—In 1838.

679. Never before?—In 1838.

680. At what period in 1838?—It was after May that I settled it up.

681. Can you produce any settlement of account, any written settlement, between you and Moorhead?—Yes, I can.

682. Have you any with you now?—I have.

683. Any paper?—Yes.

684. Let us see it?—Yes.

[*The Witness produced a paper.*]

Mr. Austin objected to the paper being put in.

685. Can you state from memory what is the balance due to you in the shape of rent?—I did not make up the balance; I think there were a few shillings; I have not made it up exactly to a few shillings.

686. The receipts have just kept the rent straight?—The receipts have kept the rent straight.

687. Just?—I think there is a few shillings.

688. When was that paper made out?—

Mr. Austin stated he had no objection to the paper being received, provided he might cross-examine upon it.

The Chairman stated that Counsel might put questions arising out of the paper.

Cross-examined by Mr. Austin.

689. When did you write this paper, Mr. Johnston?—I wrote it last week.

690. Were the bits torn off last week?—No, I tore a bit off this morning or last night; it was last night.

[*The Witness now produced the piece which he had torn off.*]

691. What did you do with the top bit?—I tore that for a direction; there was nothing upon it.

692. Where did you take this from?—From my book.

693. How big is your book?—Rather larger than that—(a Committee book.)

694. This was all written on the same day?—Yes; I wrote it down the same day in my office.

695. What day was it?—Why, then, really I cannot exactly say what day I made it out.

696. I will trouble you nevertheless to try; try and tell me when it was; now when was it, Mr. Johnston?—I think I might have made that out about Wednesday or Thursday; I think it might be about that time; I cannot positively say exactly to the day.

697. Did you make it out for the purpose of giving evidence?—I made it out if I was called upon to show it.

698. To produce it if you were called upon?—Yes.

699. By

699. By whose directions did you make it out?—By no one's but my own; no one ever spoke to me about making out the account.

700. I see you have made it up to the 23d of February?—Yes; that was the time I received the last; the 23d?

701. Yes.—O, yes; one is the 23d, the other is the 18th; I think so; is it not?

702. That is two days before the election, is it not?—I am not sure; I do not know what the day of the election was.

703. You do not know what day the election was?—Upon my word I do not.

704. Is it an exact copy of the books?—Yes.

705. Word for word, is it?—Yes; every thing is as exact, I think, as I took it from the book.

706. Do you keep in your book an account as between yourself and Curran?—I only receive rents from Curran; there was 8s. 2d. handed to me first, and then I think there was 3s. afterwards, 1s. 6d. each time, and I did not receive any more; I think at that time Curran's must have been 1s. 6d. a week.

707. Did you keep any account of that?—There is the account of it, is there not, sir?

708. Did you keep any account of it?—There it is, what I received.

709. Did you keep any account of what you received from Curran?—I did; 8s. 2d. and 3s., two 1s. 6d.; the room must have been set at 1s. 6d.; I must have been mistaken about 1s. 4d.; I said I considered 1s. 4d. was enough for it.

710. Did you make an entry of Curran's in your book as well as the other?—I just entered it down on a corner of the paper; 8s. 2d., 1s. 6d. and 1s. 6d.

711. That was entered in the book, was it?—Yes.

712. Is it entered here?—Only just as this is.

713. Find it?—No, it is not entered in that account, but it is entered down on this piece of paper.

714. On this piece which has been torn off?—Yes; I entered the amount I received.

715. Is this a copy from your book?—That is the amount I received.

716. Is it a copy from your book?—It is not a copy, because it is entered 8s. 2d.

717. There is an entry in your book about Curran?—Yes.

718. And you have not copied that?—I did not copy it any further than take it.

719. Is this a copy of your book?—This is a copy of the book.

720. And that you say?—That is what I received from Curran.

721. And which is not the copy?—And which is not the copy.

722. How came you to tear this off?—I will tell you; I think I was asked questions yesterday, how much, what time it was, about Curran; I could not recollect, and I took it off that I might have an answer, because I could not recollect.

723. Then it was in consequence of some question being put to you about Curran yesterday you tore this off, was it?—Yes.

724. When did you tear it off?—I tore it off in my own bed-room last night, at half-past 11; between that and 12.

725. What did you tear it off for?—That I might look at it in the morning, and have it in case I wanted to refresh my memory.

726. Was that the object with which you tore it off?—It was.

727. Why could you not look at the whole paper?—I looked at the whole paper; that was the only question I thought I would be asked about, and if I was asked the question I might refer to it.

728. You did it in order if you were asked about this question, you might take out this piece?—Yes.

729. And if you were asked about the other you might take out that piece?—No, I did not think I should be asked about that at all.

730. You thought you would be asked about Curran?—Yes.

731. And then you tore a bit off, in order it might be produced?—I tore it off in case I should be asked how I came to refresh my memory.

732. What is the 7l. 15s., those figures on the back?—That is what I received during the time the other man had it.

733. What other man?—Brennen.

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734. When did you write that?—That was wrote at the time I wrote the other.

735. You mean to swear that, do you?—I do.

736. You mean to swear that?—I do.

737. You are positive about that?—I am.

738. Certain?—As you are there.

739. Then do you mean to tell the Committee that after you had made that copy, that you turned over the page and wrote 7 *l.* 15 *s.*?—I do.

Examined by the *Committee.*

740. Are rents pretty regularly paid in Carlow?—I have no cause to complain of my tenants.

741. Were any of the tenants for this house of Moorhead's in arrear at all?—I have had very little loss in that way.

742. Was there any loss in Moorhead's house during the time he has held it, think you?—I think there was one time; not since I have had it there was not any loss; not since the last few months.

743. Have you received any rents for the house since that account was made out?—No, I have received no rent since.

744. Since you made it out in the book have you received any rent?—Yes, I did.

745. Why did you not bring the copy of the whole account between you and Moorhead?—That was the account that was up to the time; that was the account I had settled on my own account.

746. When is that time?—That is up to the 18th and 23d of February.

747. When did you receive the last rent due from the lodgers to Moorhead?—That was the last I received from the lodgers.

748. How long have you been in the receipt of these rents, directly independent of Moorhead receiving them or his agents?—About five months; I did not exactly examine close.

749. Does not that account refer to the settlement of the last half year, July; of the 12th of November; due on the 12th of November; does that account relate to half a year's rent due on the 12th of November?—It does; it is added to it, and makes up the rents.

750. It is up to the 12th of November?—Up to the 12th of November last.

751. Have you received any rent from Moorhead since the 12th of November?—I have.

752. How much rent did you and Brennen receive before you took the receipts of rents yourself entirely?—Seven pounds ten shillings Brennen received.

753. How much did he charge you and Moorhead?—He charged me nothing.

754. What did he charge Moorhead?—I think it was 30 *s.* between them then; 1 *l.* or 30 *s.*; some difference between them; there were costs.

755. You state that that account refers entirely to the six months between September 1838 and February 1839?—Yes, that account refers to that.

756. You mean to state you have received no rent on Moorhead's account?—Not from the tenants; not since I made that up; but he has handed me some he received himself from the tenants.

757. Have you received any rent from Moorhead since February last?—I have.

758. When was it you told Dalton to pay the rent to Moorhead and not to you?—When they came with the rent, after that was entered down, when the rent was due after that last.

759. Do you remember when that was; can you tell when, about the day when that occurred?—There was 7 *s.* 6 *d.* due; that must have been three weeks after that; that must be three weeks after the 18th of February.

760. Did Brennen receive the rents of your other houses?—Yes.

761. Was not Brennen, as a bailiff, in the habit of receiving rents for different persons?—Yes, several persons he is receiver for.

762. He receives rents for several persons?—He does.

[The

[The following is the paper produced by the Witness:]

WILLIAM MOORHEAD to STANLEY JOHNSTON, for a house in Charlotte-street, in the town of Carlow, at the yearly rent of £.11, from the 12th of May 1836,

Mr.
Stanley Johnston.
3 May 1839.

Rent paid to the 12th November 1838, £.27 10.

RENT received by S. Johnston from William Moorhead's Tenant, Thomas Hogan, from 3d September 1838 to February 1839.

	£.	s.	d.
For one room, per week	-	-	1 4
17 September	-	-	2 8
8 October	-	-	4 -
29 "	-	-	4 -
12 November	-	-	2 8
26 "	-	-	2 8
10 December	-	-	2 8
31 "	-	-	4 -
24 January	-	-	2 8
23 February	-	-	6 8
£.	1	13	4

RENT received by S. Johnston from William Moorhead's Tenant, Patrick Dalton, from 3d September 1838 to 18th February 1839.

	£.	s.	d.
3 September	-	-	2 4
Ditto	-	-	1 4
10 " three rooms	-	-	3 10
17 " "	-	-	3 10
24 " "	-	-	3 10
1 October	-	-	3 10
29 " "	-	-	15 -
Gave up one room.			
26 November, two rooms	-	-	10 -
24 December	-	-	10 -
21 January	-	-	10 -
18 February	-	-	10 -
£.	3	14	2

(Torn off by Witness.)

From Curran, to 11th January 1839, one room, 11s. 2d.; gave it up to Moorhead.—£.7 15s. (wrote on the back.)

[The Witness withdrew.

James Brennen called in and sworn; Examined by Mr. Wrangham.

James Brennen.

763. WHERE do you live?—In Carlow.
 764. In Carlow town?—Yes.
 765. What occupation do you follow in Carlow town?—I am an agent for gentlemen in that neighbourhood around.
 766. For what purpose are you an agent for gentlemen in that neighbourhood?—Collecting rents.
 767. Do you act in that capacity for several gentlemen in that neighbourhood?—I do.
 768. A great number of persons, is it?—Yes, a great number.
 769. Are you in the habit of collecting the rents of holdings for the landlord?—I am.
 770. Do you ever collect rents due by lodgers to the tenant; to the occupier of the house?—In the town of Carlow, I do.
 771. Is the occupation you fill, Mr. Brennen, known by the name of a bailiff's occupation?—Some call them bailiffs, but more call them agents.
 772. The bailiffs themselves call it agent, and the rest of the world call you bailiffs?—Some call us bailiffs.
 773. At all events, do you get the rent from lodgers with more ease?—Yes.
 774. Than other people would?—Yes, I do.
 775. Are they among those few who call you bailiffs; among those persons in the town of Carlow who have employed you to collect rents from their lodgers, do you recollect a person of the name of William Moorhead?—I do.
 776. Now, will you be kind enough to tell the Committee when William Moorhead employed you to collect the rents from his lodgers?—Why, he employed me on three or four different occasions these two years back.
 777. How did he come to employ you on three or four different occasions?—He was in the habit of leaving his house and going to look for employment; he was a tradesman.
 778. I believe that means with you an artisan, a working jobbing man?—Yes; he was a painter and glazier by trade.
 779. You do not mean a shopkeeper?—No, a working tradesman.

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780. A journeyman, in short?—I believe so; painting and glazing for gentlemen in different parts of the country.

781. You say the reason for his having employed you three or four times was that he had made three or four absences for the purpose of looking for work?—Yes.

782. In the course of two or three years?—Yes, that is it.

783. Did you, in point of fact, receive the rents then from the lodgers in his house?—I did.

784. I need hardly ask you for whom you received them, after what you have told me?—No, you need not.

785. To whom did you pay them after you had so received them for Moorhead?—To the head landlord, a Mr. Stanley Johnston.

786. On whose account did you pay them to Mr. Stanley Johnston?—On account of Moorhead.

787. You have told us you received rent from the lodgers on his account, and paid them over to Johnston, the head landlord, on his account?—Yes.

788. Can you tell us from what lodgers you received the rent?—I can.

789. Be so good as to do so?—Tom Hogan, one lodger; Widow Kanvenagh, another; a Mr. Mooty, another; and a Mr. Pat Dalton, another.

790. Now, Mr. Brennen, were all these lodgers in the habit of remaining permanently for a considerable length of time in the house, or were they frequently changing?—There was one or two did not change for a long time, and some more did change.

791. Some of them remained in the house for a considerable period, the others only for a short time?—Yes.

792. Do you remember Moorhead's wife running away; do you remember the time when that happened?—I do.

793. Did Moorhead follow her?—He did, sir.

794. Now, Mr. Brennen, were you in the habit of going to the house to receive these rents?—I was while he was away after his wife.

795. Can you tell us then whether he left any furniture in his house when he went away after his wife?—He did, sir.

796. Did he take away any furniture with him when he went in pursuit of his wife?—He took some bed-clothes, or some light lumber that he could carry.

797. Do you know whether the wife had disposed of or made away with any part of the furniture before she went?—Of my own knowledge I do not, but I heard that she did.

798. Whatever furniture of his remained behind after he had gone after his wife, did it continue in the house?—It did.

799. Did Moorhead ever call on you for an account of the rent that you had received and paid over on his account, paid over to Johnston on his account?—He did.

800. Did you render him such an account?—I did.

801. Where was that; do you recollect?—I do.

Mr. Austin suggested the account ought to be produced.

802. Did you, in point of fact, settle accounts with Moorhead, the voter?—I did.

803. Now, Mr. Brennen, you being the agent or bailiff, as the case may be, were you in the habit of receiving rents for different persons gratuitously, or were you paid for your trouble?—I never received any gratis for any one; I was always paid for my trouble.

804. I only beg to ask you whether, when you were employed by Moorhead to receive his rents, it was upon the usual terms that you should be paid for so doing?—It was at a certain rate which there is in the town for doing so.

805. A certain rate per pound?—There is a certain rate I charge in the town.

806. Is it according to the quantity you receive; I do not want to know the terms; does it depend on the amount you receive?—It does.

807. Who was to pay you for receiving Moorhead's rent?—I deducted it out of his rent, and paid him the remainder.

808. Deducted it out of the rent you received on his account?—Yes.

809. Now, do you remember Moorhead's returning to Carlow in the early part of this year?—I do.

810. Can

810. Can you tell us precisely, if you can, if not, as near as you can, when it was he came back to Carlow?—The first time I saw him, of my own knowledge, was on the 2d of February; I heard he was in it a week before; but he did not come to me.

811. Was that before or after you heard of an election in Carlow?—There was no talk of an election at that time.

812. Where did you see him on the 2d of February?—In the streets of Carlow; in Dublin-street.

813. In consequence of any thing he said to you, or any application he made to you, did you go with him any where?—I did.

814. I cannot ask you what application he made to you, or what he said to you; but in consequence of that application, what did you and he do?—He and I went to his house.

815. Do you mean his house in Charlotte-street?—Yes.

816. When you got to his house, did you assist in putting him in possession?—

Mr. Austin.—Inquire what took place.

817. What took place?—He and I went to his house in Charlotte-street, and we both went into his room, and I bid him sit down and stay there, that he was now returned, and to attend to his rents in future, and I left him there and came away.

818. You said you bid him sit down there in his room; that now he was come back, he was to receive his own rents from his lodgers?—Yes.

819. And then you came away and left him there?—Yes.

820. You are quite sure all this took place before there was any talk of an election in Carlow?—I had had no talk of an election at that time; I myself had no talk.

821. Since that time have you ceased to receive any rents from his lodgers?—I have received none since.

822. I believe there is only one tax on houses in the town of Carlow; the county cess?—Which is twice a year.

823. The county cess or grand jury cess?—The grand jury cess is paid twice a year.

824. Assessed at each assizes?—It is paid in March and July.

825. Being assessed at each assizes?—Yes.

826. Now, that is a cess on each house, is it not?—It is.

827. Paid by the tenant of each house, is it not?—Yes.

828. Did you collect that cess in the town of Carlow?—Yes, I collected the two last cesses.

829. That is of July 1838 and of March 1839?—Yes, only that I had done it some few days before each of the terms.

830. Did I understand you to say you received the half year due previous to the next assizes, when the next half year is assessed?—Yes.

831. Is that what you meant when you said you received it a little before the term, when the new assessment took place?—Yes.

832. You are bound to collect it previous to the next assizes?—Yes.

833. Have you, in point of fact, collected the county cess due in July 1838?—I did.

834. And who paid you that for this house in Charlotte-street?—Immediately I cannot recollect, whether I paid it for Moorhead myself, or was I in act of receiving his rent at that time myself or not; but I either paid it for him or he paid me.

835. In point of fact, has Moorhead either actually paid you that, or have you charged him with it in your account?—Yes, that is what I mean to say of that one.

836. He has either paid it himself or paid it through you?—Yes.

837. By the Committee.] For the last two years?—No, that is for one, your worship; that is July 1838.

838. That is for the last but one?—Yes.

839. Have you received the tax for the last half year?—I have received that from himself in person; I was not in the habit of receiving his rent at that time.

840. And therefore you received that from him in person?—Yes, he paid me the tax himself.

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841. When about was that?—Within a day or two I can go.

842. Go as near as you can to the day, and let the Committee know when it was you received that from him?—From the 15th to the 20th; some day, I cannot say, in February; I was in the act of collecting the taxes at that very time.

843. To be ready for paying them at the March assizes, was that?—Yes.

844. According to the ordinary practice?—Yes.

845. Now, Mr. Brennen, you have continued to live in the town of Carlow up to a few days ago?—Yes, until they brought me here.

846. Will you tell the Committee whether Moorhead has continued to live in that house in Charlotte-street down to the present time?—He is in it at present.

847. From what time has he continued to live in that house; from what time has he continued to live in that house?—I think I told you before, on the 2d of February I went to his house.

848. Do you mean then to tell us, that from the 2d of February, to the best of your knowledge and belief, he has continued to live in that house down to the present time?—I know nothing of his leaving it since I put him in, only I saw him in it since repeatedly.

849. You have not known of his living any where else since the 2d of February?—No, I did not go and inquire any thing after him at all since.

Cross-examined by Mr. Austin.

850. You are a rent collector, you tell us?—Yes, sir.

851. How long have you collected the rents for this house in which you say Moorhead lives?—I believe about two years in all, at different times, since I first commenced.

852. For whom did you first commence to collect rents?—When did I?

853. For whom? Who employed you?—Who employed me first to collect rents?

854. Do not repeat my question; who employed you first to collect rents for this house?—Moorhead himself; I did not understand you.

855. Moorhead himself, did he?—Yes.

856. Now, when was that?—Why, I believe about two years ago.

857. Do you recollect the time when his wife went away?—I do; I recollect her going away.

858. That was in August 1837, was it not?—I believe it was.

859. About that time?—About that time.

860. I think you told us some furniture was left in the house then?—I did, sir.

861. He took away some?—He did.

862. What did he take away?—Why, he took some bed-clothes, and some of his wife's clothes too.

863. What did he leave?—He left a table and a chair and a pot; little articles of that sort.

864. What other articles were there?—I cannot recollect any other.

865. You recollect none other?—Yes.

866. Have you stated all that you remember?—All that I remember at this moment.

867. How long did they remain there?—How long did their furniture remain in the house; is that what you are asking, sir? I do not understand you.

868. How long did the furniture remain there?—I don't know of them quitting it at all.

869. Do you know what I mean by furniture?—I do.

870. Do you mean to say you did not take it away yourself?—I mean to say I never took it away myself.

871. And do not know when it was taken away? Now, Mr. Brennen! And do not know when it was taken away; do you mean to state that?—I do not recollect it.

872. Do not you know it has been taken away?—I do not.

873. Do you mean to swear that?—I do mean to say I do not know of its being taken away.

874. You mean to swear that?—I do.

875. Have you been in the room since?—Since he came back this last time?

876. No; since he went after his wife when she eloped?—I was.

877. When?—Some time after that; some short time after that.

878. How

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878. How long time after that?—Why, I believe in the course of a few days ; two or three or four days, and different times from that hour.

879. Was Dalton there then?—No, not in that place.

880. When did he come into that place?—I believe into that part that Moorhead kept for himself about six months ago ; I believe so ; I am not exact to the time ; six or eight months ago ; I am not very exact to the time.

881. That is the part in which you say the furniture was?—Yes.

882. Did you let it to Dalton?—Yes, sir, I did ; part of it.

883. Part of what?—Part of that room.

884. How much of it?—The whole ; only where I had preserved for that furniture until he would come.

885. You let the whole of the room, except what you preserved for the furniture?—Yes ; and that he would have liberty to come back again.

886. Was the furniture there then?—I cannot recollect now.

887. Now, just try and recollect, sir ; did you go into the room?—I did.

888. Now, tell me, was the furniture there?—I cannot recollect now.

889. Have you been into the room since?—I have.

890. Was the furniture there then?—I do not know since, neither ; there was another man with him when I went in the last time, and his furniture and all was together, and he and the other man living together.

891. Had Dalton any furniture?—Dalton lived opposite, on the other side, and he had no communication with it.

892. Did not Dalton live in the room in which the furniture was left?—No.

893. Now, understand ; you say Moorhead left furniture in a room?—Yes.

894. You have described what it was?—Yes.

895. Did not Dalton take that room afterwards?—He did, sir ; only where the furniture was.

896. All but where the furniture was, you mean?—Yes.

897. Did not Dalton remain in that room?—Dalton never lived there.

898. You let it to him, but he never lived in it?—Yes.

899. Who did live in that room?—A man, I believe, by the name of Keating.

900. Did you let it to Keating?—No, I did not.

901. Do you know who did?—I do not know who, of my own knowledge ; I do not.

902. But Keating you have seen living there?—Yes.

903. Have you ever been in the room while Keating was there?—I have.

904. Did you see the furniture there, sir?—I did not much mind the furniture, as Keating had the house full of furniture almost.

905. Then you saw Keating's furniture in that room?—I did.

906. Now, sir, what furniture had Keating in that room ; had he a table?—He had.

907. Had he two?—He had.

908. Two tables?—Yes.

909. Had he three tables?—He had.

910. Had he four?—I believe he had.

911. What, in that room ? do you mean to say he had four tables in that room?—Yes. The man was a cabinet-maker, and making tables ; and a carpenter and a workman.

912. You say he had four tables ; had he five?—I do not know ; I cannot say.

913. He had a great many tables?—He had a good deal of furniture of every sort.

914. Chairs, tables and other things?—Yes.

915. Pots and pans?—Yes.

916. Did you see that furniture there?—I saw Keating's there ; I could not tell whose it was ; it was in the room with Keating.

917. And it had not been in the room with Moorhead?—No, it had not.

918. Were you in the room when you saw this furniture?—I was.

919. Now, be so good as to tell me whether or no Moorhead's table was there at that time?—I cannot say whether it was or not.

920. Did you see it?—I did not take any notice of it among the rest ; it might be there, unknown to me, and it might not.

921. Do you recollect when you first saw Keating in?—I could not immediately recollect.

922. Did you ever receive any rent from Keating yourself?—O, no.

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923. You do not know to whom Keating paid his rent?—No.
924. You know where this room is in the house, after your describing it?—
I do.
925. When were you in it last?—Why, I was two or three times in it this fortnight back.
926. What did you see in it then?—I saw Moorhead there.
927. What did you see in it then?—Some trifle of furniture; not as much as usual.
928. Whom did you go with when you went the other day?—I went once by myself, and got Mr. Moorhead in, and a son of Mr. Keating, the man who was in; I think it was Keating; another time Moorhead and I both went together out of the street and went in.
929. You say you never received Keating's rents, but you did receive Moorhead's rents for him?—Yes.
930. Up to what time did you receive those rents?—Up to the 2d of February last.
931. You have no doubt about that?—I have no doubt about it.
932. Did you receive all Moorhead's rents up to that time?—No, not all.
933. What did you not receive?—There were some arrears.
934. Did you receive the rents from all the tenants up to that time?—All that was given to me up to that time.
935. Up to the 2d of February?—Yes; and any arrears remaining, let himself get it when he could.
936. When did you make the last application for rent to any of the tenants?—
I think it was in the latter days of January.
937. You applied yourself?—Yes.
938. To whom did you apply on the latter day of January?—Why, I believe to Dalton himself.
939. To whom else?—To Hogan.
940. Go on?—I do not know of the last time I applied to any other but them two tenants, as there was not much arrear with any other.
941. That you applied to in January?—Yes; they paid me a good deal together; Dalton paid me a good deal together.
942. You know the room in which Curran lives?—I do not understand you.
943. Do you know Curran?—"Kurn?"
944. Yes?—Yes, I do.
945. Has he a wife?—I do not know; I never was in the room with him.
946. You do not know whether he has a family there?—I do not.
947. How often have you been in the room?—I was only in it before he took it.
948. And after?—No, not after; it was I who set it to him.
949. Do not you know whether the man had a wife and children?—Not of my own knowledge, but he told me he had.
950. How many times may you have been examined as a witness before?—
Several times.
951. A hundred times?—I do not know how many times.
952. Constantly at the quarter sessions, are you not?—I have a great deal of business there.
953. In the way of witnessing at the quarter sessions?—In recovering rents for different people I act for.
954. And you have often been examined as a witness?—I have.
955. Many times?—Many times.
956. You remember letting the room to Curran, do you?—I do.
957. And you have been there from time to time since, you say?—No, I did not say that.
958. Have you never been there since?—Never was in the room since I set it to Curran.
959. Do you mean you have never been in that room since?—Never was since I set it to Curran.
960. Do you know who is in that room at present?—I do not.
961. You do not know who is in Curran's room at this time?—I do not.
962. Be so good as to tell me where you have seen Moorhead in the house since the election; what part of the house?—I have seen him in that room.
963. What room?—Opposite Dalton's, where his little furniture was at the time when he went away.
964. That is the room you have been describing as Keating's room?—Yes, that is the room I am describing as Keating's room.

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965. Is the passage between them?—An entry going in between the two.
966. That is where you saw Moorhead, was it?—Yes.
967. Have you seen him in any other place?—No, I was never in the other place since; I did not go up-stairs at all since he came home.
968. Did you between August 1837 and February 1839; the last February did you see Moorhead in Carlow; August 1837 was when he went after his wife; August or September?—No, I never saw him from September; some day in September, towards the latter end of it, until the 2d of February, he called on me.
969. You remember his wife going away in September; August or September 1837, his wife went away?—Yes.
970. You recollect her going away?—Yes.
971. Do you recollect his going away after her?—Yes.
972. When did you see him in Carlow after that?—He came shortly back after that and went again.
973. He went again in September, did he not?—Yes, in September in the last year.
974. Which September?—In September 1838.
975. Where had you seen him between September 1837 and September 1838?—Why, he was at home.
976. At home, where?—At home, at his own house.
977. You saw him in Carlow at that time, did you?—Yes.
978. Whereabouts did you see him, sir; now, tell me where you saw him?—I cannot immediately recollect; I do not recollect where I seen him; I saw him everywhere in Carlow.
979. If you saw him everywhere, we shall hear presently where you saw him. You said just now you saw him in his own house; is that true or not?—I saw him in his own house constantly.
980. Where; whereabouts in his own house did you see him; you were collecting the rents?—In 1837.
981. He went away in September 1837?—Yes.
982. You say you saw him between that September and the last September 1838 in Carlow; did you or did you not?—I did.
983. Where did you see him?—Why, in his own house.
984. Whereabouts in his own house?—And all over the town.
985. Where did you see him in his own house; what part of his own house?—Always, when he would come home, he went to that room that Keating had.
986. Do you mean to swear that?—Keating was not in it then; there was a man of the name of Highland; the lodgers used to be changed often; and when he came home it was there he used to go.
987. Do you remember Highland being turned out?—I do.
988. For keeping bad women in the house, was it not?—No; but for not paying the lodging money; it was myself turned him out.
989. Do you recollect his being turned out?—Yes, I do.
990. Did you not let the room to Dalton on Highland being turned out?—Yes; only where he had his little furniture.
991. When did Highland go into the room; when did you let it to Highland?—Moorhead himself had it let to Highland.
992. When was it let to Highland?—I cannot recollect the time; Moorhead himself et sit; I do not know.
993. How long had Highland the room?—I cannot say how long Highland had it, because Moorhead was acting over it himself at that time.
994. You were collecting the rents at that time?—No; while he was at home I never collected the rents.
995. When did you collect the rents?—At the time he would go away from the town.
996. Did you know Highland yourself?—I did.
997. Did you see him in the room?—I did.
998. Whom did he live there with?—With Moorhead.
999. Whom else?—Nobody but himself; Moorhead and Highland lived the two together in the one room.
1000. Do you mean to say there was nobody else there?—Not at the same time with him.
1001. With whom?—With Highland and Moorhead; there was no person in the room but themselves at that time.
1002. Was any other person ever living in that room with Highland?—When Highland ran away with the rent, there came in three women in it by some means.

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1003. When was that?—I cannot immediately recollect; they stayed some time.

1004. And then the women were turned out, and then Dalton took it?—Yes, that is the very way.

1005. Did you go into the room at any time while the women were there?—I did, sir.

1006. Was Moorhead there then?—As far as the door I went.

1007. Was Moorhead inside?—No, sir, he was not.

1008. Did you see Moorhead there after that?—Yes, I did see him after that.

1009. When?—I saw him last February, and repeatedly since.

1010. Now, sir, from the time you have now been describing when you saw the women there, up to last February, did you see Moorhead in Carlow?—I cannot recollect that.

1011. Did you receive Dalton's rent yourself during that time?—Part of the time I did; and when I would be absent, or not ready to attend to it, he would go with it himself to Mr. Stanley Johnston.

1012. Now, do you recollect when these women went out; give me the exact date?—I cannot.

1013. What month was it?—I cannot tell you what month.

1014. What part of the year was it?—I cannot tell you.

1015. Was it the spring or autumn?—I think it was in the spring season of the year.

1016. Which year?—It must be in the year of 1837, I think; I cannot recollect the time; I am not exact to the time the women went out.

1017. Do you recollect the wife running away?—I do.

1018. Was it after that?—It was.

1019. Now, try and recollect when it was?—I cannot recollect.

1020. Was it shortly after she went away?—I think it was a couple of months after it.

1021. Was that in the year 1837?—It was, I think, in the latter end of the year 1837; I cannot very well bring to my memory that.

1022. It might have been the beginning of 1838, then; is that what you mean?—I do not think it was.

1023. You think it was in 1837?—I think it was some time the latter end of 1837.

1024. She ran away in August; you think it was somewhere in 1837?—Yes, I do, as far as I can recollect.

1025. Now, you told us you saw Moorhead in the house in February?—Yes, I went with him to the house.

1026. At that time you say there was no talk of the election?—I had no talk of the election.

1027. When did you first hear of the election?—I myself heard about it, I think, from the 15th to the 20th.

1028. You did not hear of the election before that?—From the 15th upwards I had it pat.

1029. Were you in the town of Carlow at that time?—I was in it and out of it.

1030. You mean to say you had not heard of the election before that time?—There used to be little talks of it; but we could not credit anything about it.

1031. There used to be talks about it; when did you first hear the talk about it?—During the month of February.

1032. Was it not also during that month of January?—I did not know that.

1033. Do you mean to say you did not hear talk about the election in January?—I heard it so often I did not notice it.

1034. Now, tell me, if you can, when Dalton was summoned before the magistrates; do you recollect Dalton going before the magistrates about this house?—I do.

1035. When was that?—I cannot immediately recollect the time.

1036. What month was it in?—It is a couple of months ago, or thereabout.

1037. Was it in the month of March?—I believe it was.

1038. Have you any doubt it was in the month of March; have you any doubt he was there in the month of March?—I cannot tell the time; but I remember he was summoned before the magistrates.

1039. When was that?—About a couple of months ago, I believe.

1040. Was that the first time or the second?—I cannot recollect; was he summoned twice or not?

1041. But you recollect his being summoned?—Yes, once; I happened to be at the court that day.
1042. Were you in court at the time?—Yes, I was.
1043. Do you mean to say you cannot recollect it?—I recollect the last time; I am telling you—
1044. Tell me what time it was?—I think about two months ago.
1045. Was it in the middle of March, the beginning of March or the end?—I cannot be exact to the date.
1046. Were you in court on any occasion?—I was.
1047. When Dalton was summoned?—I was on some occasion.
1048. Now, recollect; that was before?—I do not understand you.
1049. You were there twice when Dalton was summoned, were you not?—No, I do not think I was twice, but I was once.

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Re-examined by Mr. Wrangham.

1050. You were before the magistrates once when Dalton was summoned?—Yes.
1051. What was he summoned for doing, do you recollect?—For gathering manure on Mr. Moorhead's premises and about the door, and for an assault; they struck one another.
1052. Had Moorhead refused to allow this manure to be brought there?—He would not allow Dalton to gather any manure at his place at all.
1053. Did it appear he had attempted to remove it?—Yes; Dalton was striving to remove it, and Moorhead would not let him.
1054. You say Dalton had tried to gather it?—Yes, and take it into the yard.
1055. And Moorhead would not let him?—Moorhead would let him put no manure in the yard.
1056. What was the result of those summonses before the magistrates; what was the end of the matter?—Mr. Dalton was fined.
1057. By Mr. *Austin*.] When was that?—The last time.
1058. He was fined?—He was fined a certain sum.
1059. By Mr. *Austin*.] What was he fined for?—For quarrelling about that manure.
1060. By Mr. *Austin*.] For an assault, was it not?—About the manure and the fight altogether.
1061. Do I understand you, Dalton had attempted to bring the manure there, and Moorhead had resisted its being brought; and a fight was the consequence, and Dalton was fined for that?—That is it, sir.
1062. You say that in August or September 1837, Moorhead went away in pursuit of his wife?—Yes.
1063. He then left his furniture in a particular room?—Yes.
1064. Who did I understand you was living in that room at that time?—A man of the name of Highland.
1065. Highland was then living there with Moorhead?—Yes.
1066. When Moorhead went away?—Yes.
1067. Moorhead, I think you said, had let that room to Highland?—Yes.
1068. You said you could not tell how long Highland had had it, because Moorhead had let it?—Yes.
1069. Did you continue to receive the rent from Highland for that room on account of Moorhead?—I did until he returned.
1070. When thenabouts was it that Moorhead returned after he had so gone away in pursuit of his wife?—Why, I think he stayed a month or thereabouts out in search of her that time.
1071. Did he go away occasionally and at intervals during the following year 1838?—He went away two or three times after her; he is in the habit of being away, mostly backwards and forwards, constantly.
1072. During his absence you received the rent from Highland; keep your attention to this particular room; when he came back, as I understand you, and while he stayed at home, he received the rents?—Yes.
1073. You did not?—No.
1074. Can you tell, as near as possible (we do not expect any great precision as to dates in these matters at this distance of time) as near as you can, when it was that Highland, as you stated, left or ran away with the rent?—Some time in the latter end of the year 1837; I think so.
1075. Then he was followed immediately by those women you spoke of?—I believe he put them in the night he ran, in my opinion.

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1076. Highland put them in the night he ran away with the rent?—I think so ; I found them in a day or two's time, when I went to inquire about the rent.

1077. How long did they stay, do you recollect, about?—I think they stayed a month.

1078. That would bring you to the end of 1837, or the early part of 1838?—Yes.

1079. They were turned out, or went away?—I summoned them somehow or other to the court ; I got them away by some means ; I do not know exactly.

1080. In short, you were a party in turning them out?—Yes.

1081. After they had gone away, towards the latter end of 1837 or the beginning of 1838, was it that Dalton, who had lived in one room, applied to you to take that room also?—Yes, it was.

1082. And you let him that room?—I did, sir, in the way I have before mentioned.

1083. Only the furniture ; that is, *minus* all but the space occupied by the furniture?—Yes.

1084. You let it, *minus* the furniture?—Yes.

1085. On whose behalf did you let it to him ; did you let it to him as agent for Moorhead, as a lodger of Moorhead's, or as agent for Mr. Johnston, the head landlord, and as tenant to Mr. Johnston?—I let it for Mr. Moorhead, of course.

1086. Did you continue then to receive the rent from Dalton, in respect of that particular room that he then took?—I did ; and any that I did not receive, he used to go with it to Mr. Johnston himself.

1087. I am speaking all along of this particular room ; you received the rent of that room from Mr. Dalton, or, if you were not there, he went and paid it to Mr. Johnston, the landlord?—Yes.

1088. Still on account of Moorhead?—Yes.

1089. I think you told us that Dalton never, in point of fact, inhabited that room?—Never lived in it.

1090. He let it, as we understood, to Keating?—I believe he did,

1091. Keating occupied it, in fact?—Yes, he did.

1092. Keating lived there?—Yes.

1093. Did he leave there, as your tenant, or in consequence of a letting by you?—No, he never did.

1094. As we understand, therefore, as the tenant of the under-lodger of Dalton?—Yes.

1095. You then, I think, told us you never received any rent for that room from Keating?—Never did.

1096. But you received the whole rent both for that room and the other room that Dalton had, from Dalton himself, while Keating was living there?—Yes.

1097. And paid the whole of that rent over on Moorhead's account to Johnston, the landlord?—Yes.

1098. Keating remained there in that capacity until you put Moorhead in possession again into that same room which we have been talking of all along, and which he has always lived in since he was back again at Carlow on the 2d of February 1839?—Yes.

1099. Keating was there then?—Yes.

1100. You say that Dalton occasionally paid his rent to Mr. Stanley Johnston?—Yes, he did.

1101. Was that also the case with the other lodgers who had to pay rent, that when you were not there to receive it they paid it to Mr. Stanley Johnston?—Any time I was not to be had they paid it to him ; I left them orders to do so.

1102. To pay it on account of Moorhead's rent?—Yes, sir.

1103. I do not think you gave us the time when you let that second room to Dalton, as near as you can recollect ; when Highland went away, and the women had gone away, did you let it immediately after that to Mr. Dalton?—No, I did not ; it remained a good while idle.

1104. With nothing but this furniture of Moorhead's in?—Nothing ; only a very small trifle of Moorhead's furniture was remaining in it.

1105. They had gone away about the beginning of 1838?—I think so.

1106. You say after that it remained idle, except holding this little furniture of Moorhead's ; can you tell us when about it was, after Dalton's application to you, you let him that room in addition to the one he had?—I am recollecting the time.

1107. As near as you can?—Why, I think about four months, as near as I can think.

1108. About four months after it became vacant?—He held it about four months until Mr. Moorhead came.

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1109. By Mr. Cockburn.] You mean four months before last February?—Yes.

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1110. By the Committee.] Four months before last February, the witness let the second room to Dalton?—Yes; that is as near as I can tell.

1111. Four months previous to the beginning of last February?—Yes; it was some time, I think, in the month of September I let it to him, and he there remained until Moorhead came home in February.

1112. You do not recollect whether Dalton had been in the occupation, or taken that room from you in an earlier period in 1838 than October?—I do not.

1113. I think you told my friend, while Keating was there, the place was full of furniture, in consequence of his dealing in furniture?—He had a great deal of furniture; he was a man in good work before he went to that house.

1114. He dealt in that?—He was a man in a trade of that sort, a cabinet-maker or carpenter.

1115. There was a good deal of furniture?—Yes.

1116. And you could not tell whether there was among this furniture the old furniture Moorhead had left?—I could not.

Examined by Mr. Cockburn, through the Committee.

1117. Did you not consent either to go with a man, or send a man, to take away the articles of furniture Moorhead had left?—I do not recollect that.

1118. Will you positively swear on your oath that is not positively the fact?—I will swear positively on my oath that I do not recollect it.

1119. To the best of your knowledge and belief, did you or not accompany a man, or send a man, for taking away the furniture Moorhead had left?—To the best of my knowledge, I do not recollect I did.

Examined by the Committee.

1120. You said Moorhead left some furniture in the room when he went away after his wife?—Yes.

1121. It was in the room when Highland took possession of it?—Yes.

1122. And since Highland left, have you ever seen the furniture in that room?—No, I did not.

1123. You have never seen that same furniture in the room since Highland left it?—I do not know whether I did or not; I cannot tell.

1124. Had you and Moorhead ever a quarrel?—No.

1125. Never?—No.

1126. You never were in Mr. Johnston's house, and quarrelled with Moorhead on any occasion?—We had no quarrel or any thing, further than there was some little differing in the account; but we settled that immediately.

1127. And you went on as his collector?—Yes.

1128. And Mr. Johnston never was his own collector of the rents?—Mr. Johnston said that the tenant might lodge it with him when I was not present.

1129. You were never discharged, as an agent to Moorhead, on account of your charge being too high?—I never would be discharged; only he thought my charge rather high.

1130. Did he discharge you or not?—When he came home himself he did it, receiving the money for himself.

1131. Since last August you have still continued to charge him for your expenses in collecting the rent?—Yes, until February.

1132. Have you any statement of your account with Mr. Moorhead?—No, I have not.

1133. Have you got any at home?—I did not write out any book account of it, I only settled by word of mouth with him.

1134. How do you recollect what the tenants had paid you?—So much from one and so much from the other; I had some bit of an account of it; but when I settled with him I gave it to Mr. Moorhead.

1135. Did you always settle with Moorhead, or did you pay Johnston?—I would settle with Moorhead, and pay Mr. Johnston the money.

1136. On account of Moorhead, was that?—Yes.

1137. You paid Mr. Johnston the money on account of Moorhead?—Yes.

1138. Did you receive the rents from all the lodgers?—Yes, I did.

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1139. What did you receive from the lodgers?—So much a week; 1 s. 3d. a week.

1140. Not from all?—Some more; 1 s. 6d. a week from some; 1 s. 3d. for more; and 1 s. for more.

1141. Did you consider you were receiving that money for Moorhead or Johnston?—I always considered I was receiving it for Mr. Moorhead to pay Mr. Johnston; Moorhead ordered me to pay the rent in to Johnston.

1142. On his account?—Yes, to keep the place clear when he returned.

1143. Did Mr. Johnston allow you for that part of the rent he happened to receive when you were absent, and could not receive it; did he make an allowance for that part you received; did you charge him commission on all the rent that was payable?—I was the agent also to Mr. Johnston himself.

1144. In the collection of the rent of this house?—In every rent he has.

1145. Did you continue to be receiver for Mr. Moorhead down to February last?—Yes, sir.

1146. When was the last time you settled accounts with Mr. Moorhead?—The 1st or 2d day of February last.

1147. Did Highland pay the same rent for the room when Moorhead was living in the room with him, as he did when he was absent?—No; it was but 8d. a week Highland had to pay at all, because he kept half the room for his own use, and he paid but 8d.

1148. Moorhead always kept half the room to his own use?—Yes.

1149. Do you know how much in the last year that Moorhead was in Carlow; how long in the last year for any period in Carlow; in the year 1838?—Why, he was away twice or three times in a year.

1150. How long was he absent?—The whole of them times?

1151. Altogether?—I think he was six months away in the year.

1152. Was he more than six months away?—He was a couple of times after his wife, and he went another turn on another visit.

1153. He was more than six months away in the year?—Yes; in 1838 I think he was six months of the year away.

1154. Was he more than six months?—I do not know; I cannot recollect.

1155. That little dispute you had with Moorhead last August; was it about last August?—No, I think it was in February last.

1156. You had no dispute with Moorhead before last February?—No, I do not know at what time immediately; the little dispute was some time in the year of 1838; yes, now I have it at my memory; it was August before he went away.

1157. At what period?—I think it was about September, I think; and he was striving to reduce my price, was what it came about.

1158. How did you adjust that dispute?—I would not do it for less than I had all along; and if he did not like that, I told him, let him employ some other person.

1159. Did he agree then to your going on?—Yes; he could not do better.

1160. What September was that?—September 1838.

1161. And then Mr. Johnston never did take that collection of rent in his own hands for the purpose of superseding the necessity of your charges?—Sometimes the tenant used to pay it to him; I know Mr. Moorhead, when he was settling with me, said, "A great deal of this was paid into Mr. Johnston, and you must be lighter in your charges."

1162. That was previous to September?—Since September up to February last.

1163. Did you receive your charge for it up to February?—Both Mr. Johnston and he went against me in that point, and they beat me down some of my fees up on it, without I would go and quarrel about it.

1164. What was the whole of your fees?—One penny to a shilling.

1165. How much did it amount to in the aggregate?—I think about 6l. the whole of the money would amount to at a penny to the shilling.

1166. Ten shillings would be your charge?—I should have 20d. to the pound.

1167. How much did they beat you out of that 10s.?—I believe they did not give me more than about the half of it; Mr. Johnston said he had a great deal of the trouble, the taking it from the tenants; that I should be less in my charge.

1168. You say you were the collector of the rents for Mr. Johnston in every case?—Yes.

1169. And this among the rest?—Yes.

1170. If any of the lodgers were unable to pay their rents, whose loss would that have been, Mr. Johnston's or Mr. Moorhead's?—It would have been Moorhead's.

1171. You

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1171. You state when Moorhead went away he left certain furniture in this room; a table and a chair, a pot, and some other implements?—Yes.

1172. Did he leave any bed in the room, or was there any place in the room in which he did sleep, or could have slept?—I am not quite certain; but I think there was an old bed in it; but I am not very positive, sir.

1173. Did any other person sleep in that room?—Them three women were in it after Highland; and them were all in that room together.

1174. After those women were turned out, then, did any person sleep in the room?—No, it remained idle a long time.

1175. But when it was taken, it was let to Dalton, and let by Dalton to Keating. you state?—Yes, that is true.

1176. When it was in the occupation of Keating, did Keating sleep in the room?—He did; I suppose so.

1177. There was a bed in the room?—I do not know whether Keating had a bed in it; he had a bed in it; but I do not know whether he had or not.

1178. Did Keating's family live with him in the same room?—Yes, they did.

1179. How many beds did they occupy?—I believe one is all the beds they had; the man was a widowman.

1180. While Keating occupied the room, was there only one bed in the room; is that what you state?—Yes.

1181. And that bed was slept in by Keating, and was Keating's bed?—Yes, it was, I think.

1182. How long did Keating occupy that room?—I set it to Dalton about four months; I suppose in September 1838; I do not know at what time Dalton set it to Keating.

1183. You set it to Dalton in September 1838?—Yes.

1184. And it was on or after that time that Dalton set the room to Keating?—Yes; but I do not know what time.

1185. Do you know how long Keating continued in occupation of the room?—I do not know.

1186. How many in family had Mr. Keating?—He had two or three children among them.

1187. Two or three?—Two or three and himself.

1188. And a wife?—No.

1189. He and his three children occupied this bed?—I am not exact to the children.

1190. Does not Keating occupy it at the present moment?—Keating and Moorhead is living in it together.

1191. Do you not know, when Moorhead was from time to time in Carlow, that he lodged with a person of the name of Goodlaw, and slept at Goodlaw's house?—All I know of it is this, that Moorhead told me he had no bed-clothes in his own room, and that he had to go and take lodgings some nights with that Goodlaw.

1192. When was this?—That was some time after he came home.

1193. On which occasion?—Some time after February last.

1194. Do you mean it was some time after the month of February, or after the time of his return, in the month of February?—Some time in the month of February.

1195. Some time after Moorhead's return?—Yes.

1196. Was this not shortly after the period which you have fixed for the return of Moorhead?—Yes, shortly after.

[The Witness withdrew.]

Mr. *William Galbraith* called in and sworn; Examined by Mr. *Wrangham*.

1197. WHERE do you live, Mr. Galbraith?—In the town of Carlow.

1198. What trade or occupation do you follow there?—A silkmercer.

1199. You keep a mercer's shop there?—Yes.

1200. Do you know William Moorhead, of Charlotte-street?—I do.

1201. Have you ever had any dealings with him relative to his house in Charlotte-street?—Yes, sir.

1202. Will you tell us when that was that any thing passed between you respecting the house in Charlotte-street?—I think, sir, about the month of September.

1203. Was that the month of September in the last year?—It was; he called on me.

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1204. For what purpose?—To mention to me arrangements he was making, as he was going from home to look for work.

1205. Did he give any thing into your custody at that time?—He did.

1206. What was that?—A bunch of keys.

1207. Will you tell us what passed between you, and what communication he made to you when he gave you those keys?—He told me he was going from home to look for work, and requested I would keep possession of them keys, and not give them to any person until he himself would call for them.

1208. Did he tell you what the keys were?—He did.

1209. What were they?—He told me the key of the hall-door, and the key of the back-door, and the key of some other room door.

1210. Did he say any thing about his having appointed any body to receive the rent for him?—He did; he told me he had made arrangements—

Mr. *Cockburn* was heard to submit the conversation was not evidence, any further than it had relation to the act of giving up the keys.

Mr. *Wrangham* was heard to support the question, and quoted Phillips on Evidence.

Mr. *Cockburn* was heard to reply.

The *Chairman* stated the feeling of the Committee would be, not to restrict the Counsel in bringing out the views taken by each Counsel; and it would be the leaning of the Committee not to exclude Counsel on either side from pursuing any examination they might think fit, unless the Committee find themselves tied down by any positive rule of law to such exclusion; and the opinion of the Committee was, that the examination might proceed.

1211. He told you he had made arrangements; did he tell you what those arrangements were?—He did.

1212. Be so good as to tell the Committee what then passed?—He appointed this Brennen for to receive his rents; and accordingly as he received them from the different lodgers, to hand it over to his landlord, in order to keep the place clear.

1213. Was any body else present when this passed?—There was.

1214. Tell the Committee who was by when this conversation passed?—There were two lodgers, I understood, belonging to the man.

1215. Do you know what their names were?—I do.

1216. What?—One was Dalton, and Hogan; those two men were present at the time.

1217. Did they say any thing against this arrangement?—No; but they seemed quite satisfied that this arrangement was made, and saw the man give up the keys to me.

1218. I think you said he gave you the keys?—He did.

1219. Were they by when you gave the keys?—They were.

1220. How long did you keep the keys?—I think from some time the latter end of September 1838, to about the latter end of January; about the 27th of January or the 28th of January he called on me.

1221. And you have fixed that date for the term of your keeping them; was it then you returned the keys to Moorhead?—That very time.

1222. Did any thing pass between you at the time of your re-delivering the keys to him?—I do not understand the question.

1223. Did any conversation pass between you at the time you gave the keys up to Moorhead?—I do not recollect there was; he came in and called for the keys, and I handed them.

1224. Have you continued to reside in the town of Carlow from that time from the end of January down to the present time?—I have.

1225. Have you been in the habit of seeing the voter, Moorhead, during that time?—Frequently.

1226. Has he been, to the best of your knowledge and belief, a resident in the town from the time that you speak of as giving up the keys to him?—I believe he has been constantly in the town.

Cross-examined by Mr. *Cockburn*.

1227. What enables you to say positively this was in the month of September; what fixes that date in your memory?—It was rather a remarkable time; it was about the time that rents were generally paid.

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1228. Rents are paid more than once a year, are they not?—Yes, they are generally twice a year.

1229. You are sure this was in the month of September?—I am certain.

1230. Can you undertake to say that was the September of last year?—I can.

1231. Will you undertake to swear it was not the September of 1837?—No; I will not swear any such thing.

1232. Will you swear it was not in September 1837?—I will swear it was in September 1838.

1233. Did you make any memorandum of it at the time?—Indeed, I did not.

1234. I believe you have taken a pretty active part in this election yourself, have you not; rather a warm partisan?—I have done a little; as much as came to my share.

1235. You have taken a warm and active part on the behalf of Mr. Bruen?—Indeed, I have.

1236. You say, when the keys were given up to you by Moorhead, two of the lodgers were by; who were they?—Dalton and Hogan.

1237. Did you know them before?—I did.

1238. Can you tell me how they came to be present; was it by chance?—No, Moorhead brought them in; Moorhead and these two men walked into my shop.

1239. Did any conversation pass between them?—No.

1240. They merely stood by, and saw the keys delivered up?—Saw the man speaking to me on the subject, and delivering up the keys in my presence; and the men seemed quite satisfied.

1241. Did you know they were lodgers?—Yes.

1242. What was to be done with the house-door; was it to be left open at night?—I asked the question what was he going to do with the lodgers, giving me the key of the back door and front door; and the answer he gave me was, there was a bolt in the doors, and when the lodgers went in they would bolt themselves in the house.

1243. Did he tell you how long Dalton had been his lodger at that time?—No, I do not recollect he did.

1244. Did you know the fact yourself, that Dalton had lodged with him some time previous?—I did.

1245. You knew Dalton had lodged with him some time previous to that September?—I think he did.

1246. Do you know how long?—No.

1247. Some months?—Yes, I think it was.

1248. You think Dalton had lodged with him some months before, as much as 12 months?—I do not know.

1249. To the best of your belief, had he been a lodger for a very considerable time, for some 10 or 12 months?—I dare say he might, I am not quite positive; to the best of my belief, he might have been 8 or 10 months.

1250. Are you sure that the second lodger who was present at the time when the keys were given to you, was not a man of the name of Highland, instead of Hogan?—Highland was brought to me on another day, but not on that day.

1251. When was Highland brought to you?—I think it was a day or two after that.

1252. What was Highland brought to you about, do you know; who brought him?—Moorhead brought him.

1253. Was Dalton present then?—No, he was not.

1254. Tell us what Moorhead brought Highland about?—He brought him to let me know there was a friend of his own; he was going to live in one room; to let him keep possession of one room.

1255. Now, let us understand; if I understand you rightly, that was within a day after the keys had been delivered to you?—I think it was.

1256. Now, again, I ask you, and I pray you to tax your recollection, as well as you can; will you undertake to swear, having told us just now that Highland was brought to you within a day after the keys were delivered to you; I ask you again, will you undertake to swear those keys were not delivered to you in September 1837, instead of September 1838; I would ask you if we had not had a good deal of evidence on the subject?—To the best of my opinion, I am almost positive it was in 1838.

1257. You are not quite so positive as you were just now; recollect yourself again, Mr. Galbraith; tax your memory as far as you can, and tell me now, upon your solemn oath, whether that was not in 1837 instead of 1838, as you have

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stated?—Upon my oath, to the best of my opinion and the best of my belief, it was in 1838.

1258. I do not understand you to swear positively now it was in 1838?—I think it was; I cannot recollect; I think I am going right.

1259. I have no doubt you are intending to do so; I should be satisfied with your evidence if we had not other; that is the reason I ask you to carry your memory back as far you can; now, try and recollect yourself?—I say positively it was in 1838.

1260. Are you prepared to swear positively it was in 1838?—To the best of my opinion, it was in 1838.

1261. Is the rest of your evidence as true as that?—I think it is.

1262. Do you remember Highland being turned out, or going away, running away with the rent?—I heard of his going away; but I know nothing about it.

1263. When was it you heard of his going away?—Upon my word, I cannot tell you.

1264. How long after this time when he came to you with Moorhead?—I really cannot recollect.

1265. I do not ask for a month or two; how long was Highland in possession after Mr. Moorhead brought him to you and told you he had given him possession of a room; how long was that before you heard Highland had run away on account of the rent?—I have no recollection of it.

1266. That was in September; when did you hear of Highland's going away?—I think it was shortly after that; I did not take much particular notice about it.

1267. Do you mean to say, Mr. Galbraith, when you heard of Highland's running away, that that was in 1838?—I think it was; I really do not know; but I am not positive.

1268. Highland's running away must have been after the delivery of the key to you?—I think it was; I am sure it was.

1269. Now, I ask you, if you are so positive about the delivery of the key being in September 1838, how is it you can have any doubt about Highland's running away being in 1838?—It must be in 1838, I think.

1270. Will you swear it was?—I cannot be very positive about it; to the best of my recollection.

1271. Then I am justified in assuming you are not very positive about the delivery of the key being in 1838, if you are not positive about the one?—Indeed, I am quite positive.

1272. Do you mean to state, in the same breath, you are positive about the one and not about the other?—I did not pay much attention to it.

1273. Must not Highland's running away have been after the delivery of the key?—I think it was.

1274. Then must it not have been in the same year?—I should think so.

1275. How can you say you are positive about the one transaction and not positive about the other?—I paid very little attention to it.

1276. Do you remember Dalton's coming to you for the keys of the house afterwards?—He did.

1277. Did you refer him to Mr. Johnston?—I did.

1278. What year was that in?—I think very shortly after I got the keys.

1279. Will you swear that was in 1838?—Why, I think it is; I am almost positive it is.

1280. Did you hear the talk of the town; did you hear of Moorhead's wife running away?—I did.

1281. When was that?—I cannot recollect.

1282. In 1837 or 1838?—It must have been in 1838, I believe.

1283. Do you mean to assert that; that that was in 1838?—I really cannot tell; I am not quite positive.

1284. Was the delivery of the keys to you in the same year, be it what it may have been, in which the elopement of his wife took place?—I think it was.

1285. Do not you know his wife ran away in 1837; in August 1837?—Upon my word, I do not know.

1286. On your oath, will you say you believe it to have been in 1838?—I think it was.

1287. Be that as it may, you say the delivery of the keys to you was in the same year that his wife ran away?—To the best of my opinion, it was.

1288. And it was in that same year that he brought Dalton to you, and told you Dalton was a lodger of his?—Yes.

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Re-examined by Mr. *Wrangham*.

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1289. Do I understand you to say, Mr. Galbraith, whether it was in 1838 or 1837 the delivery of these keys, that it was in the same year in which Dalton came to you to ask for them; was it in the same year?—It was very shortly after I got the keys that Dalton came for them.

1290. Dalton's visit to you to get the keys was the same year as the year in which you received the keys?—It was.

1291. And Highland's running away or departure, whichever it might be, was also in the same year with the year you got the keys?—I should think it was.

1292. You are quite sure that it was Highland; Highland was the name of the person who was brought to you shortly after the keys had been handed over to you?—Moorhead told me that his name was Highland.

1293. I think you have said, you believe Dalton to have been a lodger of Moorhead's for some months previous to the time when the keys were brought to you?—I did.

1294. Whether it was eight, ten or twelve months, or three, four or five months, you cannot tell?—I cannot.

1295. It might have been either?—It might.

1296. Have you ever known any body else have the keys during Moorhead's absence?—No one; they never were out of my possession.

1297. Do you mean, upon all occasions, that you remember of his having been away from the town, the keys were never out of your possession?—I never received the keys but once; the man went from home very often; but I never had the keys in my possession only once.

1298. Until his return at the election, they were never out of your possession?—Never.

1299. Whatever time the keys were delivered to you, you retained them from that time down to the end of January in this year?—Exactly.

Examined by the *Committee*.

1300. You know the keys delivered to you were the keys of the house in Charlotte-street?—I did not know; but the man told me they were the keys of the house.

1301. Do you know whether there was a lock on the door?—I do not.

[The Witness withdrew.]

Mr. *Thesiger* was heard in support of the vote, and having stated the question whether the voter originally ought to have been placed upon the register, could not come before the Committee unless the register——

Mr. *Cockburn* said that he did not mean to raise any question as to whether Moorhead ought to have been admitted upon the register.

Mr. *Thesiger*, in support of the vote: The question was, whether, under the words of the Irish Reform Act, the voter had continued "to hold and occupy." From the evidence it appeared that the house in Charlotte-street always continued the domicile of the voter; all the incidents of his tenancy continued; there was no evidence of his intention to abandon the occupation of the house; he had paid the cess, and his rent, and the lodgers had paid their rent to him upon his return. The learned Counsel quoted the cases of Philip Pirey and Daniel Such, in the last Ipswich Petition, and referred to a case in the Wigan.

Mr. *Cockburn* was heard against the vote: By the English Reform Act it is only necessary that the party should occupy the premises; but by the Irish Reform Act it is necessary that he should both "hold and occupy." In this case the voter had done neither; but it was clear upon the evidence, at all events, that he had not continued to occupy. The learned Counsel was commenting upon the evidence, when

[The Committee adjourned till To-morrow, at Eleven o'clock.]

Sabbati, 4^o die Maii, 1839.

GEORGE GROTE, Esq., IN THE CHAIR.

The Names of the Members were called over ;—All present.

Mr. *Cockburn* resumed his argument against the vote of William Moorhead, contending, first, the tenancy of Moorhead had been put an end to ; secondly, that he had no occupation at all events ; and thirdly, that the admission of Moorhead into the room of Curran before the election was fraudulent, and merely for the purpose of endeavouring to confer a franchise, and therefore unavailing.

The *Chairman* stated a Member wished to ask some questions of one of the witnesses, and wished to know, in case the witness was called, whether Counsel would claim a right to speak upon the evidence he might give.

Mr. *Thesiger* stated he did not apprehend the Counsel would have any such right.

Mr. *Cockburn* suggested that it would be inconvenient to have a witness called who might make some important statement, and that the Counsel should be precluded from observing upon it.

The *Chairman* stated he had no doubt of the power of the Committee calling back the witness ; but what he wished to know was, whether the Counsel would claim to address the Committee upon it.

Mr. *Cockburn* stated he was willing to leave the matter in the hands of the Committee.

Patrick Dalton, re-called, sworn, and Examined by the Committee.

Patrick Dalton.

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1302. HOW often did you pay rent to Mrs. Moorhead ; Mrs. Moorhead let you that room, did she not ?—Yes.

1303. How often did you pay rent to her ?—I believe I paid her about five or six weeks' rent before she left the place ; about five or six weeks' rent.

1304. After she left the place, who did you pay your next rent ; who was the next person you paid your rent to ?—To Brennan.

1305. What made you pay your rent to Brennan ?—Why, he came to me, and at this time Moorhead was gone ; he left the place and went away ; Brennan came to me, and I believe it was a fortnight's rent ; they were away for about a fortnight.

1306. Who were away ?—Moorhead, and the wife, too, of the place ; and he came to me and I paid Brennan ; he was acting and receiving rent for Mr. Johnson, the landlord, and he told me at the same time not to pay Moorhead any more ; that he was not entitled to get any ; that he owed Mr. Johnson enough ; and I paid Brennan on for the course of three or four months after that ; then I believe Brennan gave up the agency, and I went and I used to pay Mr. Johnson ; sometimes myself would pay him, and sometimes my wife would pay him.

1307. Did Moorhead before he went away, did he tell you who you were in future to pay it to ; did you pay your rent to Moorhead himself ?—Not a farthing ; to his wife I paid.

1308. After his wife went away, you immediately paid to Brennan ?—He was the next I paid to.

1309. And that was about a fortnight after the wife went away ?—Yes, as near as I can guess.

1310. And then Brennan came and told you you were not to pay the rent to Moorhead ?—At the time of receiving the money ; and there was another man of the name of Hogan that had a room over me ; he warned Hogan not to pay.

1311. Were you present when he warned Hogan not to pay ?—I was, and warned myself not to give Moorhead should he come back ; not to give him any more rent, that he owed enough.

1312. When you paid Brennan, did he give you any receipt ?—No, I used not to get receipts ; not at all.

1313. Whom did you consider you were paying?—Mr. Johnson; he told me he was receiving it for Mr. Stanley Johnson.

1314. And not at all for Moorhead?—And not at all for Moorhead.

1315. Did he ever tell you that Moorhead had quitted the premises altogether, and had ceased to be Mr. Johnson's tenant?—I knew it; I knew he quitted it, and did not come back; he did not come back until near about, as I can guess, at pension time; he used to come to the town every three months; every time a pension was come due; he never came near the house that he had the room in; never came near the house I was in; he used to stop at lodgings in the end of the town, and never came to the house; and never came to me to look for the rent at all.

1316. You knew Moorhead had quitted the town, but you did not know he had given up the premises; that he had ceased to be tenant of the premises?—All I can tell you, gentlemen, he took the keys of the front and the back door.

1317. Who did?—Moorhead.

1318. What did he do with them?—I understood he left them with Mr. Galbraith.

1319. Did he ever tell you that he had done so; did Moorhead ever tell you so?—No, he did not.

1320. How did you come to know it?—I went to ask Mr. Johnson for the keys, thinking he might have left the keys with Johnson, and Mr. Johnson told me he had not got the keys; but he says, I think Mr. Galbraith has the keys; he says, you can ask him; I went over to Mr. Galbraith, and Mr. Galbraith said he had the keys, but he would not give them without Mr. Johnson wished so; then I went off again to Mr. Johnson, and, says he, "Never mind it;" he says, "I will give you a good stick that will make a couple of bolts for the front and back door." So Mr. Johnson ordered his man to give me a large stick, I suppose about seven or eight feet, and I cut it to make bolts to go across the entire of the door.

1321. Did Mr. Johnson or Mr. Galbraith tell you how it was that the keys were given to Mr. Galbraith instead of to Mr. Johnson; why were the keys not given to Mr. Johnson if he was then the landlord of the premises, and if you were the tenant of Mr. Johnson, instead of being tenant to Moorhead; how was it the keys were given in the care of Galbraith, when Johnson was the landlord of the house?—I cannot tell you how, but I understood from Brennan that Mr. Galbraith went bail to Mr. Johnson for Moorhead's rent; I understood he was the bail; that Mr. Galbraith was the bail for the rent of the house.

1322. You mentioned that you had understood from Brennan that Moorhead had ceased to be the tenant of the house, and had quitted the premises altogether?—That he told me to give no more rent; that he was not entitled to any more rent to me, and warned a man of the name of Hogan, at which I was present, not to give him any more rent; and if he did (to Hogan) he threatened to seize on Hogan for giving him a week's rent in advance.

1323. Who threatened?—Brennan threatened Hogan for giving him a week's rent in advance when he went after the wife.

1324. You paid, for the first three or four months, your rent to Brennan?—Yes.

1325. Then you discontinued paying Brennan?—Brennan did not come to receive it, and I went and paid Mr. Johnson.

1326. After you began paying rent to Mr. Johnson, did you ever on any occasion pay rent to Brennan, or did you invariably pay it to Johnson?—It was equal. I paid Brennan about the 28th of February last; Brennan came down with Mr. Johnson's order. There were five weeks' rent due, at 10s. a month, for the under part of my place. He asked how much could I give; I said I would give the month's rent. The month's rent was due on the 25th of February, and there was from Monday, the 25th; there were 10 days over. I gave him 10s.; there were 12s. 6d. due. Brennan received it from the last February.

1327. First you paid your rent to Brennan?—Yes, and different times Mr. Johnson sent Brennan down; they used to receive it alternately. Just as I had so given it them, Mr. Johnson entered it in the book; I knew him to be an honest man, and I did not require a receipt.

1328. Were some of the rooms in that house you lodged in ever vacant?—There was.

1329. For how long a time were the rooms vacant at a time?—I knew a room

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to be vacant at one time for a fortnight, and another time for three weeks; there were several times.

1330. Which rooms were those; the rooms up-stairs?—Yes, one of the rooms up-stairs. One room, there is a man in it these five years who never left it; but the room Curran has got in Curran came in about November last, and I kept it for a length of time and paid for it, and I could get no one to give me what I was paying Mr. Johnson for it. I kept it a considerable time; then I gave it up. Then Brennan set it to Curran, a house-painter; Curran took it about the latter end of November.

1331. That second room you had, had you the entire possession of it?—I had the entire possession of it since about the latter end of September or the beginning of October 1837; as near as I can guess, about the latter end of September or the beginning of October. I took the two rooms when Moorhead left it; he left a man and his wife of the name of Highland, Michael Highland; he left them in the room, and set them the room, and left an old chair, and an old table, and an old stool; in fact, I would not give 1s. 6d. for the three articles he left in it. Then, when Brennan set the room to me, when we got shot of the others Highland brought in, says Brennan to me, "Now," says he, "Dalton, I would have you take this room, and have the under part of the place to yourself, and get shot of the vagabonds that have been in it." Well, I agreed. "What will you let me have this room for?" (I was paying 1s. 6d. for the other.) "I will let you have the entire under part of the place for 2s. 6d."

1332. What did you do with the furniture that was in the room?—They were taken by Brennan, and given to a man that used to come with Brennan, he used to leave as keeper. Brennan used to receive rents for several people. He gave this man the old stool and the old table, and an old chair that was in it (they were not good enough for burning), and the man took them away to his own place.

1333. Was there any bed in the room?—There was not as much as the value of that [*picking up a small piece of paper*] in the room when I got it.

1334. There was a bed in the room when Mrs. Moorhead was there?—When Mrs. Moorhead went away.

1335. When Mrs. Moorhead was there, was there a bed in the room?—Yes.

1336. What became of it?—Moorhead himself sold it, and sold everything in it; he left those things by way of keeping possession of the room, and when this Brennan came and gave me possession, he threw the things out, and bade his man that he had for levying; he used to have a man for keeping the place; he used to levy; he desired the man to leave them in his own place; the man took them out of my place altogether.

1337. Was there anybody in the room?—Not any.

1338. And nothing for the man to lay on?—Not a ha'porth. This man of the name of Highland and his wife had a bit of a carpet; a bit of straw they laid upon, and they took that away.

1339. Moorhead came to receive his pension?—Several times.

1340. Do you know how often he received his pension in a year?—At the time all the pensioners received.

1341. Was it every six months, do you think?—I do not know; he never came to me to ask me for anything.

1342. Where did he sleep when he came; did he come to his house?—Oh no! he went to a lodgings of the name of Goodlan's.

1343. How often did he go to Goodlan?—I cannot tell; I had my own business to mind. I used to see him at odd times when passing through the street.

1344. You had some squabble with Moorhead on one occasion?—I will tell you. I never offended the man; he came about a few days before the election to ask possession of the place that I was paying Johnson for, to ask me possession, and I told him to be about his business, that I would give no possession. Well, sir, he summoned me to the court, and the magistrates decided when he told them the story that they could not give any decision; that he should serve me with a regular notice, I believe an ejectment process, or something in that form, before he could get me out.

1345. Did any one ever advise you to refuse him admission, or did you do so of your own head?—No one ever advised me; but to tell you the truth, gentlemen, he was a man of such a bad character that I did not like to have him in the house at all, and it was for this reason I applied for a room that was idle, when I found him at one time about his pension. I applied for the room for a great length

length of time, in order he could not get admission into the place; he was a man that used to bring all kinds of bad women into the house at night.

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1346. (By Mr. *Wrangham*.) The witness said, as a reason for giving the keys, that Galbraith was bail for some one; to whom?—I understood Galbraith was bail for Moorhead.

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1347. To whom?—Mr. Johnson was the landlord of the house; I cannot tell more than that.

1348. Of whom did you take that lodging during the whole time?—From Moorhead's wife; I took in June 1837 one room, and I paid 1 s. 6 d. a week for the room.

1349. Did you ever take any lodgings from anybody else?—Only when Moorhead and the wife went away, I took it from Brennan, the man who acted agent and received the rent for Mr. Johnson. I took it from him when they were out of it; I took the other room that they held.

1350. About what time did you take the lodgings from the other person—from Brennan?—I think about the latter end of September or the commencement of October, as near as I can think.

1351. When you took the lodgings from Brennan did you consider he was acting for Johnson?—Yes, because he received the rent before I took it.

1352. For whom did you consider he was acting then?—I considered he was acting for Mr. Johnson, for Mr. Stanley Johnson, because he cautioned me if Moorhead came to me to give him no rent, and he cautioned the others, Mr. Hogan, not to give any rent either.

1353. Did you ever know of Brennan receiving rents for Moorhead?—He never told me he received for any one but for Johnson.

1354. Do you know of your own knowledge that he ever received rents for Moorhead?—No, sir; I never knew him receive rents for Moorhead. I never knew he received rents for any one but for Mr. Johnson, that is out of the premises.

1355. Is Brennan generally a receiver of rents?—Yes, he is, for several in the town.

1356. You mean to say, witness, at present there is no sort of furniture belonging to Moorhead in that house you are living in?—At present?

1357. Yes.—I do not know what is in at present, because I have no communication where he is above. I do not know what the man may have got in; at the time I got it there was nothing. If he has not brought anything since Curran let him in; I do not know whether he might have brought anything in since; that was about the 21st or 22d of February, some time before the late election.

1358. Do you know anything more of the furniture being in the room, except as to the rooms you yourself occupy? You do not know what furniture was in the rooms of the other lodgers; you only speak to the rooms you occupy yourself, do you?—Yes.

1359. Only to those?—I know this much, the man who was over me when Moorhead left it I think he had, and I am almost sure that they had nothing, for they were not on good terms, and no other person was in the house on good terms with him; he would receive none of his furniture to keep in store for him.

[The Witness withdrew.]

The room was cleared.

The Committee deliberated.

Counsel and agents were called in, and informed by the Chairman, that the Committee had resolved, "That the vote of William Moorhead, No. 40 on the poll, was a bad vote, and that it be struck off the poll."

[Adjourned until Monday, at Eleven o'clock.]

Lunæ, 6^o die Maii, 1839.

GEORGE GROTE, Esq., IN THE CHAIR.

Names of Members called over ;—All present.

Mr. *Austin* stated he proposed to remove the name of Philip Bagnal from the poll.

Philip Bagnal stood 309 upon the poll, described as of Dublin-street, and voting for a dwelling-house and premises for Mr. Bruen. Qualification oath put, and vote objected to.

Mr. *Alexander John Humfrey* called, sworn ; Examined by Mr. *Austin*.

Mr. *A. J. Humfrey*. 1360. DO you put in the affidavit of Mr. Bagnal ?—This is the affidavit of his register.
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Cross-examined by Mr. *Wrangham*.

1361. Is there another Philip Bagnal ?—There is but one.

The affidavit of registration was dated 9th October 1837, and described Philip Bagnal, esq., of Dublin-street, as being registered for dwelling-house and premises.

Ground of objection, loss of qualification.

John Kelley called, sworn ; Examined by Mr. *Austin*.

John Kelley.

1362. DO you know Mr. Pendred in Dublin-street, Carlow ?—Yes.
1363. Is his name William Pendred ?—William Pendred.
1364. In Dublin-street, Carlow ?—Of Athy-street, Carlow, No. 1.
1365. Do you know his house ?—I do.
1366. It is a corner house, is it not ?—It is a corner house.
1367. One side is in Athy-street, and the other in Dublin-street ?—It is called Athy-street, and he leaves his address, No. 1, Athy-street.
1368. The other is in Dublin-street ; facing Dublin-street ?—Yes, facing Dublin-street.
1369. And I think you said you lived with Mr. Pendred ; have you worked with him ?—I was employed in Dublin to go down to Mr. Pendred as foreman.
1370. How many years ago was that ?—It will be three years next June.
1371. (By the *Committee*.) Are you his foreman now ?—Yes.
1372. Have you lived with Pendred ever since ?—Yes.
1373. Is it three years next June ?—Yes, three years next June.
1374. Do you remember a partition wall being put up in that house before Mr. Bagnal came ?—I do.
1375. A partition wall ?—It was a partition wall ; there was part of it a partition.
1376. Was any part of the house cut off from the rest by that partition wall ?—Three rooms.
1377. When was that partition wall put up ?—I don't exactly know.
1378. About what time ?—I think it is about a year and a half and better ; I think so ; to the best of my knowledge.
1379. Was there a door broke through into those three rooms ?—The doors were closed, and a front door was broke out at the gable-end of that house.
1380. So that you might communicate with three rooms that is cut off by this new front door ?—By this new front door you can communicate with those three rooms only.
1381. So that the three rooms formed a separate building ?—The three formed a separate building.
1382. With an outer communication by means of the new door broken through ?—There is no other means of communication, unless you might go by the back door

door, which is used as a kitchen, and round to the garden ; that is, to Mr. Pender's back door.

1383. To the back door communicating with the other part of the premises?—Yes.

1384. That new door came into Dublin-street, did it not?—Opened into Dublin-street.

1385. (By the *Committee*.) Was the old door in Athy-street?—Yes ; and the new door in Dublin-street.

1386. Do you know Mr. Bagnal?—I do.

1387. Philip Bagnal?—I do.

1388. Mr. Philip Bagnal ; he is a gentleman, is he not?—Yes.

1389. I see he is registered as an esquire?—Yes, a most respectable gentleman.

1390. Where does Mr. Bagnal live?—He lives in a place, I think, called Benicary.

1391. How far is Benicary from Carlow?—I am not exactly sure.

1392. About how far?—I think it is about two miles and a half.

1393. It is a country house, is it not?—Yes, it is.

1394. Did you ever see it?—Yes.

1395. It is a fine house?—A very good house.

1396. A very fine house?—Yes.

1397. Mr. Bagnal lived there before this door was broken, did he not?—I think not.

1398. When did he come to live at Benicarey?—It was from Dublin-street he went to live at Benicarey.

1399. Do you know where he lived before he came to Dublin-street?—I heard.

1400. Do you know?—I can't exactly say.

1401. Do you only know from hearing somebody else?—I don't exactly know where he did live.

1402. Do you remember his coming to Dublin-street?—I do.

1403. Do you know Bagnal's Town?—I do.

1404. Do you know Mr. Walter Newton?—I do.

1405. He is brother of Mr. Bagnal, is he not?—Yes.

1406. Does Mr. Walter Newton live at Bagnal's Town?—He lives at a place about a mile on this side of Bagnal's Town.

1407. How long has he lived there?—Mr. Walter Newton?

1408. Yes.—Mr. Walter Newton I believe has been living there many years.

1409. That is a large house, is it not?—It is.

1410. Do you know whether Mr. Bagnal lived there or not?—He might have lived there.

1411. But you do not know?—No.

1412. Did you hear it from him?—I did not.

1413. You saw him come to this place in Dublin-street ; what sort of rooms were they?—In Dublin-street?

1414. Yes.—One of them is a sitting-room, the other a bed-room, and below a kitchen.

1415. What sort of a place was it ; was it a good house or not?—They are small ; the bed-room is small ; it looks out into the garden ; and the sitting-room is a very neat small room.

1416. When he came there was there any furniture brought?—We made furniture for Mr. Bagnal.

1417. Such as what?—I made myself, or helped to make, a bedstead, a French bedstead.

1418. Was that put in the room?—It was.

1419. Was there other furniture put in the rooms?—A chest of drawers, I think, and that bed and some chairs, and also a cornice ; window cornice and some curtains.

1420. Was that furniture removed at any time?—It was.

1421. In what year ; I should ask you first of all, did Mr. Bagnal sleep there at all?—He did ; I heard that he slept there.

1422. Did you see him about the place?—I did.

1423. I presume the furniture was put there by Mr. Bagnal's order?—It was.

1424. You say you saw him about the place?—Yes.

1425. Was that furniture at that time removed?—Yes, sir ; I took down the bed.

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1426. Be so good as to tell me at what time the furniture was removed?—When he went Mr. Bagnal got married, and he went to Benicary-house.

1427. What; went to live there?—He went to live there.

1428. Be so good as to fix the date?—I can't.

1429. Was it last year?—It was last year.

1430. The year 1838?—The early part it might have been.

1431. You say in the year 1838 Mr. Bagnal married and went to live at Benicarey?—I do not exactly say he was married in that year; I think it was about that time he was married, and he went then to Benicarey as soon as the house was ready; he was getting the house fitted up.

1432. Getting Benicarey fitted up?—I put up cabinet work there; this bedstead that I made for the house.

1433. Did you help in fitting up Bannakerry-house?—I did.

1434. Be so good as to tell me when it was that Mr. Bagnal went to live at Bannakerry; about what time?—I think it is about a year ago.

1435. Do you mean in last year some time?—Yes.

1436. At what time last year was it; was it the spring or summer?—I think it was about twelve months ago or something better; it might be more than a year.

1437. You think it was thereabouts?—Yes.

1438. Now, if you please, you told us you took down the bed?—Yes.

1439. The bed in the house in Dublin-street?—Yes.

1440. What did you do with it?—I had it packed along with some other furniture, and sent off to Bannakerry-house.

1441. When?—Just about a year ago.

1442. Was it about the time when he went to live at Bannakerry?—About this time twelvemonths.

1443. Is there a masonic lodge in Carlow?—There is.

1444. Was this house let to the masonic lodge, do you know?—They occupied it.

1445. When did they come in?—When Mr. Bagnal left it.

1446. What time was that about?—That was about this time twelvemonth.

1447. You say you took away the bed; did you take away anything else?—A chest of drawers, bed, and other furniture.

1448. Was all the furniture taken away?—I believe there was very little left.

1449. Was there anything left?—The cornice and curtains left.

1450. The cornice and curtains over the windows were left, but the other things were taken away?—The freemasons bought chairs from us, and they were put in there.

1451. But the other furniture, I understand you, was taken away?—The other furniture was taken away.

1452. And sent to Bennakerry?—And sent to Bennakerry.

1453. Then these freemasons came in, and they bought chairs?—They bought chairs from us.

1454. And were those chairs put in the house?—They were.

1455. What part?—In the dining-room; the sitting-room.

1456. Did they put anything else in?—They bought some other matters; I cannot exactly say what it was. I think they bought a press, an inclosed article for holding books.

1457. Was that put in?—Yes.

1458. Whereabouts?—Into the place that Mr. Bagnal used before as his bed-room.

1459. The chairs were put in the sitting-room, and the press put into the bed-room by the freemasons?—I do not say they were put in there by them; but they were put in there by their orders.

1460. Was anything done with the kitchen by the freemasons?—There was a woman, a servant I think she was; a woman was put there to mind it for the freemasons.

1461. She was put in the kitchen?—She slept in the bed-room; she slept for a time in Mr. Bagnal's room; she stopped in it while I took down Mr. Bagnal's bed.

1462. Did she remain after that?—She remained for some time.

1463. Where did she sleep?—She slept in the bed-room that Mr. Bagnal did occupy.

1464. What part did she live in during the day?—I do not exactly know.

1465. How long did the freemasons continue to occupy the place?—I don't know that; it might have been a few months.

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1466. Are they there now?—No.

1467. Who is there now?—There is a woman minding it at present; that is, I saw her at the door when passing.

1468. Do you know whose servant that is?—I do not.

1469. Did you remove the masonic furniture; the masons' furniture?—No.

1470. Did you see it taken away?—No.

1471. Is it not there now?—No, I understand not.

1472. Do you know it?—I don't believe it is there now.

1473. Have you been into the rooms?—I have not been in since they left it.

1474. Then you do not know what has become of the furniture?—No.

1475. I think you say they occupied for some months; do you know when they went?—I think they are out of it about three or four months.

1476. You say Mr. Bagnal went to Bannakerry; has he lived there ever since?—He did; he occupied Bannakerry-house; he was sometimes off in Dublin.

1477. But has he lived at Bannakerry-house since?—Yes.

1478. Does he live there now?—He might not be at home.

1479. Is he living there now?—Yes.

1480. Is his family there now?—His family is there.

1481. Have they lived there ever since he removed to Bannakerry?—They have.

1482. Mr. Bagnal is a magistrate of the county, is he not?—He was a magistrate, but he was broke.

Cross-examined by Mr. *Wrangham*.

1483. Bagnal was a magistrate, you say?—Yes.

1484. Do you happen to know whether he is a grand juror; he attends the assizes in Carlow always?—I have heard his name called.

1485. Mr. Bagnal is a gentleman of large fortune, is he not?—He is.

1486. Has the reputation of being so?—Yes.

1487. A large estate?—Yes.

1488. His country house you say is at Bannakerry?—Yes, I think that is the name of the place.

1489. Is he frequently in the habit of coming into Carlow?—Lately, I have not seen him very often latterly.

1490. But upon certain occasions he does come; at the assizes, for instance, I suppose?—Yes.

1491. Where does he go to when he comes to Carlow?—I think it is to Whitmore's hotel.

1492. (By the *Committee*.) A club-house?—Yes.

1493. When did you see him at the house?—I have not seen him at that house since he lived there.

1494. Since when is that?—That is about 12 months ago, or something better.

1495. Are you working for Mr. Pendred now?—Yes.

1496. You talked of a bed you put up in Mr. Bagnal's room; in his bed-room in Dublin-street?—Yes.

1497. How long had that been there; how long did it remain there when you put it up?—It might have been there about, I suppose, nine months; it might have been there that time.

1498. Was it?—I think so; I cannot exactly tell the date.

1499. It remained nine months after you put it up before you took it down again?—Yes, I think so.

1500. You say Mr. Bagnal goes to Whitmore's hotel; tell the Committee where Whitmore's hotel is; how far is it from this house?—It is quite convenient to that house in Dublin-street.

1501. Is not Whitmore's hotel next door to his house?—Yes.

1502. Is there not a communication from one to the other through the garden; an entry?—There is.

1503. I believe the hotel is used as a club-house, is it not?—Yes.

1504. You have seen Mr. Bagnal at the club-house, or hotel as you call it?—I have seen him go in there.

1505. And there is, as you say, a communication from the club-house, which

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is next door to this house, through the garden?—There was; I do not know whether it is closed now or not.

1506. If you do not know, why say anything about it; there was one?—Yes.

1507. As far as you know there was one?—I have seen the door opened.

1508. As far as you know there is one?—There is one.

1509. My friend asked you what furniture Mr. Bagnal had in this house; you gave a list of the furniture you made for him; was there no other furniture there beside that which you made for him?—There were some chairs; not I particularly; I did not make all the furniture; it was made in the factory.

1510. There was a French bed, some chairs, cornice and furniture, and chest of drawers?—Yes.

1511. Was that the furniture made in your factory?—Yes.

1512. Was there no other furniture in the house?—There were other small articles that he had himself before.

1513. Such as what; such as a table, for instance?—There was a large loo-table, and there were small articles also.

1514. Let us have some of these other articles; you gave the chest of drawers, and the bed, and chairs, and curtains; tell us what other furniture there was?—This is what came from our own factory; that is work I knew very well; I did not take particular notice of the other.

1515. I am not asking the colour or materials of the furniture; I am asking you whether there was a considerable quantity of furniture; the necessary furniture for that house, beside the furniture you made for it?—I say altogether, with the furniture we made, that I think there was sufficient for the house.

1516. I need hardly ask you if there was not a good deal of furniture beside that which you made?—There was not a good deal; I do not think there was a good deal.

1517. You recollect making those articles?—There might have been more; I recollect those being made.

1518. The house was, in your judgment, fully furnished?—I think there was enough for him; he was a single man at the time.

1519. You say the masons used to come there?—Yes; I have seen the masons there.

1520. Freemasons, you mean?—Oh, no. I have seen and I have known the place to be used by the freemasons.

1521. Well, I say freemasons, and then you say, “Oh, no?”—When you said “masons,” I thought it was stonemasons you might mean.

1522. There was a masonic lodge held there for a short time?—Yes.

1523. The freemasons did not live there?—No; I was in the house two or three times when they held it, and there was a servant woman there.

1524. How often did the masons meet, do you know?—I do not know; I went in there to take down Mr. Bagnal’s bed and the furniture, to send it to Bannakerry.

1525. And this furniture you had made for him, as I understand?—Yes.

1526. And to send that to Bannakerry?—Yes.

1527. There was other furniture of his left in the house, you say; you told my friend so?—Yes, there were curtains and cornices.

1528. Anything else? Now remember; can you take on yourself to say there was not other furniture left in the house besides the curtains and cornices?—I would not.

1529. Have you any doubt but that there was?—I saw one press that was left there, and I understood that was for the freemasons, by the servant woman.

1530. Was it or not a press which had been there when Mr. Bagnal, as you say, was living there?—It was.

1531. Can you take on yourself to swear there was not other furniture beside that press which was left in that house at the time Mr. Bagnal took the house at Bannakerry?—I cannot.

1532. Have you any doubt that there was?—There was furniture left there, I know; there was furniture left there, but I cannot tell what complement; I cannot tell what articles they were.

1533. Now was that furniture which was left there at that time ever removed, to your knowledge?—Not to my knowledge.

1534. Then, so far as you know, that furniture is there to this hour?—The cornices and curtains are there, I am sure; they were there when I left Carlow.

1535. And

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1535. And as to the rest, so far as you know, they are there too?—They may be there too.

1536. Have you any doubt that they are there?—Have I any doubt?

1537. Have you any doubt that they are there?—I have a doubt.

1538. What furniture did you take to Bannakerry?—Why, there was a chest of drawers; there was the French bed; there were chairs and matters of that kind; I do not know exactly; there might have been more than that.

1539. However, all the furniture of this house, except what you took to Bannakerry, remained in the house?—More might have been taken, for the carrier was there.

1540. We are not asking what might have been done; the house might have been stripped from top to toe; I am asking you as to what you know; so far as you know, was not the whole of the furniture, except what you took to Bannakerry, left in the house in Dublin-street, so far as you know?—So far as I know there was more furniture went away than I actually packed.

1541. Did you see it go?—I did see the things go.

1542. Now what went?—I cannot tell you, for the articles were packed, and when furniture is packed up in a car you cannot tell what the exact article is.

1543. You can tell what remained; you say you have seen furniture remaining in that house after Mr. Bagnal took the house at Bannakerry?—I have.

1544. You say that the masons have ceased to come there of late for some months past?—Yes.

1545. Did they cease in the course of last year some time?—I think it was three or four months ago.

1546. You cannot tell me how often they were in the habit of coming there?—I cannot.

1547. Do you know how often the lodge was held?—I never minded, only just seeing them go, and there was a transparency we used to see in the window while passing, when their meetings would be held.

1548. Whether they met once a week or a fortnight, or once a month, you cannot tell?—I cannot tell.

1549. And you mean to tell us you do not know that the masons met only once a month?—I do not know.

1550. I think you say, on the masons ceasing to come there, a woman was there taking care of it?—To the house I live in I go up Dublin-street, and at my return I very often saw her standing at the door.

1551. Do you know who that woman is?—I do not.

1552. Do you mean to say you do not know she is the wife of a servant in Mr. Bagnal's family?—I do not.

1553. But whether she is or not you do not know?—She may be, for I do not know.

1554. You do not know a person, who is known by the shorter name of Joe, in that service?—Joe in Mr. Bagnal's service?

1555. Or in Mr. Newton's service; his brother?—There is a man by the name of Joe; and I think he lives now at the club-house.

1556. Now can't you tell; you say he lives in the club-house?—I saw him standing at the club-house door.

1557. From what you have seen you judged he lived in the club-house?—Yes, that he does live there.

1558. Now, whether or not he and this woman (being his wife) lives in this house, you do not know?—I do not know that she is his wife.

1559. You are sure nobody else has lived there except this woman?—There did another woman live there.

1560. (By Mr. Austin.) Before this woman?—Yes.

1561. Pray had the house in which Mr. Pendred lives, and which has been divided, as you say; how many was it divided into?—How many what?

1562. How many houses?—Only into two; it was originally only one house, and those apartments were taken off it, and it now becomes two.

1563. You can tell me; I understand it was originally a very large place, a large mansion-house?—Yes.

1564. With large gardens and stabling, and so on?—Very large; very large garden, and a good deal of ground.

1565. Takes a good proportion of the town?—Yes; but the house, the apartments in the house are rather confined.

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1566. Not quite so magnificent as the apartments you prefer?—The outward appearance of the house is very fine.

1567. Did not Mr. Newton live also in part of this house?—Mr. Newton live in part of this house?

1568. Yes?—No.

1569. Does he not use some part of the premises?—The premises?

1570. Yes?—I can't know that he does, unless when he comes into town to put his horse into the stable.

1571. That is the brother of Mr. Bagnal?—Yes.

Mr. *Austin* stated he was willing to take Mr. Newton's case with this, as there was an objection also to Mr. Newton's vote.

Mr. *Wrangham* stated he could not accede to that proposition.

1572. I think I understood you to say you had never seen Mr. Bagnal at this house since he established himself at Bannakerry in the country?—I have not seen him at this house.

1573. You have not seen him there?—I have not.

1574. Have you seen him going to or coming from it?—I might have seen him in the street; but as to say whether he was going to that house, or from it, I cannot say.

1575. You have seen him in the street, passing in the direction to or from that house?—I have.

1576. I suppose you do not know anything about the rent of this house?—Only from my employer.

Re-examined by Mr. *Austin*.

1577. You say you have seen him in the street, going in a direction to and from this house?—In the direction, yes; it is the main street.

1578. So I understood you to tell us Whitmore's hotel is next door?—Yes.

1579. Was not that also in the direction to and from Whitmore's hotel?—Yes.

1580. And you have seen him at Whitmore's hotel?—Yes.

Mr. *Humfrey*, called in, sworn, and Examined by Mr. *Austin*.

1581. JUST give me Mr. Newton's affidavit?—

Mr. A. J. Humfrey.

Mr. *Wrangham* objected to anything about Mr. Newton's affidavit being entered upon; Mr. Newton's vote was not now before the Committee.

Mr. *Austin* stated he produced it for the purpose of showing the state of the house, and not for the purpose of objecting to Mr. Newton's vote.

Mr. *Wrangham* objected.

The witness *Kelley* was ordered to withdraw.

1582. Do you produce the affidavit of Mr. Walter Newton?—Yes, I do.

Mr. *Wrangham* stated he did not object to the production of the affidavit.

1583. Have you also William Pendred's affidavit?—Yes.

1584. Is that affidavit initialed?—It is.

1585. By whom?—By Mr. Fishbourn.

1586. That is Mr. Walter Newton's affidavit?—Yes.

The affidavit of register of Walter Newton, esq., 2d January 1835, of Dunleckny, dwelling-house for offices and premises in Athy-street, was put in.

The affidavit of register of William Pendred, cabinet-maker, of the 21st of October 1835, Athy-street, shop and premises, was put in and read.

John Kelley recalled.

Mr. *Wrangham* was heard to object to this course of proceeding, and to Mr. *Austin* being allowed to re-examine the witness, as he had concluded his examination.

Mr.

Mr. *Austin* stated he was about to prove that this was a house out of which Mr. Pendred and Mr. Walter Newton had also registered; and he proposed merely to recall the witness to prove that this was the same house as that out of which the voter had registered.

Mr. *Wrangham* was heard to reply, and observed Mr. Austin's statement raised another objection to the course of proceeding; the effect of the present inquiry was to raise the question whether the voter had been properly registered, and that was a point that could not arise except under another head of objections.

Mr. *Austin* stated he had no such object.

The *Chairman* wished to know distinctly what Mr. *Wrangham's* objection was.

Mr. *Wrangham* stated, Mr. Austin having put in evidence two affidavits of register of two other persons registered out of a dwelling-house and offices in Athy-street, and Mr. Austin contending the house in Athy-street was the same house as that in Dublin-street, out of which the present voter was registered, proposed to give evidence to prove the identity of the two; his objection to that was, it was immaterial.

The *Chairman*.—Do you object to any question being put to the witness Kelley upon those two affidavits?

Mr. *Wrangham*.—Yes, on the ground of its being immaterial.

The room was cleared.

The Committee deliberated.

Counsel and Agents were called in and informed by

The *Chairman*, the Committee had resolved, that no question arising out of the affidavits of Walter Newton and William Pendred can be put to the witness Kelley on re-examination by Mr. Austin.

Mr. *Cockburn* stated that was the case against the vote.

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EVIDENCE IN SUPPORT OF THE VOTE.

Thomas M'Quaid, called in, sworn, and Examined by Mr. *Wrangham*.

1587. WHERE do you live?—In Carlow.

1588. What trade or occupation do you follow?—A whitesmith.

1589. Do you know Mr. Philip Bagnal?—I do.

1590. Have you ever done work for him?—Yes.

1591. In the way of your trade?—Yes.

1592. You have had dealings with Mr. Bagnal?—Yes.

1593. Up to what time?—Up to last Christmas; about Christmas; about December.

1594. During the course of the preceding year; during the whole year 1838?—Oh yes, during the whole year.

1595. Was that during the period that Mr. Bagnal was residing with his wife at Bannakerry House?—I had business with Mr. Bagnal before he went there.

1596. Before and after?—Yes.

1597. I particularly direct your attention to the time after he moved; and I ask you where were you in the habit of meeting Mr. Bagnal when you had business with him?—Several times in Carlow.

1598. Will you tell the Committee at what house in Carlow did you meet him?—In his own house at Carlow.

1599. In what street is that house situated?—In Dublin-street, I believe.

1600. Do you happen to know whether it is next door to Mr. Pendred's house?—Yes, it is.

1601. How came you to go there to meet him?—I went to his house at Bannakerry, and his butler told me then that I might go to his house at Carlow.

1602. You went to his house at Bannakerry?—Yes.

1603. Was it in consequence of something that was said to you by the servant at Bannakerry that you afterwards went to his house in Carlow; to the house in Dublin-street?—Yes.

1604. Did you there meet Mr. Bagnal?—Yes.

1605. On business?—Yes.

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1606. Have you done that repeatedly?—Yes, repeatedly.
 1607. In the course of the last year?—Yes; that is, in the year 1838.
 1608. While he was married, and residing at his country house at Bannakerry?
 —Yes.
 1609. You said down to last Christmas; Christmas is the time for sending in bills; did you send in an account for work done to Mr. Bagnal?—I took it myself.
 1610. Where did you take it to?—To his house in Carlow.
 1611. When?—About Christmas.
 1612. By whose direction?—By his own butler's.
 1613. Did you on that occasion see Mr. Bagnal there?—Yes.
 1614. I hope he paid you his bill?—He is very good pay.
 1615. You mean he did pay you?—Yes.
 1616. And that was, as you say, about Christmas?—Yes, about Christmas.
 1617. Do you know whether Mr. Bagnal was in the habit of going to this house when he came into the town of Carlow?—Oh, yes.
 1618. Always?—Always.
 1619. Do you know whether he is in the habit of doing so down to the present moment whenever he came into Carlow; don't say it if you don't know it?—I am not sure; I had no business with Mr. Bagnal after Christmas; since——
 1620. Up to Christmas you can speak?—Yes.
 1621. Do you know who had the key of the outer door?—
 1622. (By Mr. Cockburn.) Do you know that yourself; have you ever seen it?—I think——
 1623. (By Mr. Cockburn.) Never mind what you think.
 1624. Do you know it of your own knowledge, or is it from having understood it from other persons; is it you have been told who had the key, or do you know it of your own knowledge?—I have seen Mr. Bagnal's servant locking and unlocking the hall door.
 1625. (By the Committee.) The hall door of the house in Dublin-street?—Yes.
 1626. You have been in the house frequently in the course of the last year, you say?—Yes.
 1627. Was it an unfurnished house?—No.
 1628. Was there the usual furniture of a gentleman's house in it?—Very good furniture in it.
 1629. (By the Committee.) Was that down to last Christmas?—Yes; the last time that I was there; at Christmas.
 1630. I will ask you whether it was not notorious in Carlow this was his house?—

Mr. Cockburn objected to the question as being a leading one.

1631. Have you heard any doubt——

Mr. Cockburn objected to the question.

Mr. Wrangham withdrew the question.

1632. Have you heard any doubt expressed——

Mr. Cockburn objected to the question as being hearsay only.

The Chairman suggested it would be better to confine the question to the knowledge of the witness.

Mr. Wrangham stated he would not press the examination.

Cross-examined by Mr. Cockburn.

1633. You are a voter, I believe?—Yes.
 1634. You voted at the last election?—Yes.
 1635. For Mr. Bruen?—Yes.
 1636. You are a tenant of Mr. Fishburn's, I believe?—Yes.
 1637. You say that you several times went to Mr. Bagnal's house in Dublin-street; how many times will you say, in the course of the last year, you were in that house to meet Mr. Bagnal?—Six.
 1638. Your business, you say, is a whitesmith?—Yes.
 1639. You went to him on business?—Yes.
 1640. What business?—About his work.
 1641. Work where; where was the work to be done about which you went to him?—The work was to be done at Bannakerry.

1642. He

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1642. He lives in Bannakerry?—Yes.
1643. How was it you did not see him when you went out to Bannakerry; how was it you did not see him at Bannakerry?—Because I went to Bannakerry, and he might be in Carlow unknown to me.
1644. Was he very frequently in Carlow?—Yes, very frequently.
1645. Each time that you saw him in the house in Carlow had you previously gone out to Bannakerry?—No.
1646. How often did you go to Bannakerry and was referred to the house in Carlow?—Two or three times.
1647. Then the other times you went to the house in Carlow of your own accord?—Straight.
1648. Six times?—Yes.
1649. Within the last year?—Yes.
1650. Can you give me the month, or anything of the sort, of any one of those times?—No. About Christmas was the last time I went.
1651. When was the time before that?—About a month or six weeks.
1652. And before that?—I kept no account.
1653. Did you go to him at all in the summer, to that house in Carlow. You are taking enough time?—I think it was principally in the autumn and the winter that I done business for Mr. Bagnal.
1654. How late in the autumn did you go there?—About August.
1655. Is August what you call the autumn in Carlow; do you call August the autumn in Carlow; we call it summer here?—It is not called summer in Ireland.
1656. August is not called summer with you?—It may be in very fine weather, but not always.
1657. Then if I understand you, when you say the autumn, you mean August; is that so; let us know about the date?—You may call it as you please.
1658. Be good enough to tell me what you call it; do you mean you went then to Mr. Bagnal at the house in Dublin-street, Carlow, in August; will you swear that?—I think I did.
1659. Can you tell me any other time; that is twice?—Sometimes twice in one week.
1660. In what month; that same month of August?—Perhaps it was, and perhaps not.
1661. Be good enough to understand you are here on your oath, and you are to give your evidence in a straight-forward manner?—As far as I think.
1662. Were you there more than once in the month of August?—I don't know; I don't recollect.
1663. Were you there in the month of July?—I do not recollect I was.
1664. Were you there in the month of June?—I don't recollect.
1665. Were you there in the month of May?—I think I was.
1666. You think you were?—Yes.
1667. Were you there in the month of April?—I don't know.
1668. Were you there in the month of March?—I don't know.
1669. Were you there in the month of February?—February?
1670. Yes, February?—I don't doubt but I was.
1671. January?—No, I do not think I was.
1672. December of the year before?—I don't recollect.
1673. Then if I understand you, all you recollect you can tell me is once in the month of April, once in the month of August, and Christmas?—Once in the month of May, I told you.
1674. Once in the month of February, once in May, and once in August?—Sometime about that.
1675. Condescend to answer a little more distinctly; we do not take a nod for an answer?—I dare say not.
1676. Can you tell me more than those three times; in February, May, and August; is there any other time you will swear to me you ever met Mr. Bagnal in that house, except when you went at Christmas. Besides those four times, were you ever in that house to see Mr. Bagnal?—Oh, yes.
1677. Can you tell me any other?—I was at Christmas, two or three different times.
1678. To get your bill paid?—I went to see Mr. Bagnal, in town, at his house.

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1679. Did you find him there?—Yes.
1680. I am not asking how often you went to the house in Carlow; but how often did you see him there?—Five or six times.
1681. You have only said four at present; can you tell me more?—I have seen him once or twice in the one month, of Christmas.
1682. What did you go there for?—About business.
1683. What business?—In regard to money affairs.
1684. To get your bill paid, or anything else?—Part of it was that.
1685. What was the other part?—About to get directions for more work.
1686. Where was the more work to be?—In Bannakerry.
1687. How came you to go and get direction for more work?—Because I went to Mr. Bagnal to get direction for work.
1688. How came you to go; did anybody direct you to go, or did you go of your own accord?—Sometimes I did; sometimes his foreman. Carpenter sent word by his postman, that if I would meet Mr. Bagnal there on such a day he would tell me what was to be done.
1689. Did that happen about Christmas?—Yes.
1690. How often?—Once or twice.
1691. What was the work to be done?—There were some curtain rods to be made for his drawing and parlour windows.
1692. Where?—At Bannakerry.
1693. Had he not been living at Bannakerry 12 months?—I don't know.
1694. Had he not been living there several months?—Yes.
1695. Do you mean to say his drawing-room at Bannakerry had not been furnished up to December last?—It may be furnished; but not curtains on his bed.
1696. What, at Bannakerry?—Yes.
1697. Do you mean to say that gentleman had been living in his house at Bannakerry, from the spring of that year up to Christmas, without curtains?—There is not a room furnished in his house at Bannakerry but two; two or three.
1698. Was this his bed-room; one of them?—His bed-room was one.
1699. Now, Sir, when you saw Mr. Bagnal at his house in Dublin-street, where did you see him; in what part of the house?—Why, I met Mr. Bagnal once; twice. I got Mr. Bagnal standing at his own door in his house in Dublin-street.
1700. Did you go in the house with him?—Once.
1701. At the time you saw him at his own door did you go in?—Once I did; I saw him a couple of times at his own door.
1702. Where did you go with him into the house?—Up stairs.
1703. What part of the house?—A large room.
1704. A sitting-room or bed-room?—A sitting-room.
1705. A large room?—Yes, I think it is.
1706. How large?—I do not know.
1707. Describe with reference to this room; was it as large as this room?—No.
1708. Half as large?—I don't doubt but it is.
1709. Will you say it is?—I don't doubt but it is.
1710. How was it furnished?—Aye?
1711. You heard the question very plain; tell me what furniture there was in that room?—There was some chairs.
1712. How many?—I really did not count.
1713. What else?—There was a sofa.
1714. What else?—I really do not know anything else.
1715. How many windows to the room?—I really do not know.
1716. You recollect nothing but the chairs and sofa; what coloured room was it?—A papered room; I am not sure. My delay there with Mr. Bagnal was while he was giving me the directions.
1717. But, if I understand you, you were twice in that room?—Yes, but my delay was not long.
1718. You cannot tell me the colour of the room?—I cannot.
1719. What month are you speaking of now?—About Christmas.
1720. That is twice you went into that room?—Yes.
1721. Where did you see Mr. Bagnal on the other occasions when you saw him at that house. [*The Witness paused.*] Well, a long while considering?—I think I saw him at his door too; I am not really sure.

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1722. Did you go into the house with him on the other occasion?—No.
1723. You saw him at his door then all the other times?—Yes.
1724. You told me you saw him at his door twice; did you mean you had seen him half a dozen times when you said twice?—No.
1725. What do you mean; do you mean you saw him twice at his door, or six times at his door?—I have told you I saw him twice at his door.
1726. You just now said you saw him six times at his door?—Oh, no.
1727. Besides those two, when you saw him at his door, and went into his house, where did you ever see Mr. Bagnal in or about that house on the other occasions?—About in the square; there is a square opposite the door.
1728. Is not that the square of the club-house, Whitmore's, adjoining?—Yes.
1729. When you say you have seen Mr. Bagnal no less than six times in the course of that year in that house, what you mean by saying you have seen him in that house is, that you have seen him in the square common to Whitmore's and other houses?—I did not see him in the square.
1730. Where did you see him?—I have seen him in his house.
1731. In what part of the house?—At his door once or twice.
1732. How many times did you see him at the door of the house?—I told you, I think twice or three times.
1733. Where did you see him the other times when you saw him at that house?—I saw him in the square once or so.
1734. Where did you see him the other times when you saw him?—About his house; at his house; at about the square; that is, altogether there.
1735. When I said just now you saw him in the square, you said, "You did not repeat me correctly"?—I could see him about, not in the square.
1736. Where did you see him?—Just outside the door; another square that is there; not belonging to Whitmore's.
1737. When you saw him in the square, what were you going about to him then?—About work.
1738. Did you ever go to him at Bannakerry about work?—Yes.
1739. Have you seen him at Bannakerry?—No.
1740. Did you ever see him at Bannakerry when you went there to do work?—Oh, I have seen him, but not to speak to him; I have seen him at a distance off.
1741. When did you first speak to anybody about this evidence you were to give to-day. [*The Witness paused.*] When you have taken the time you think convenient, you will give me an answer?—Yesterday, I think.
1742. About this vote?—Yes.
1743. About Mr. Bagnal's vote?—Yes.
1744. Was that what you came over here about?—No.
1745. What did you come over here about; what vote did you come over here about?—About another vote in Carlow.
1746. Whose vote?—Barry's.
1747. You say you first had conversation about this yesterday; with whom had you the conversation?—Mr. Butler.
1748. With whom did you first have conversation about this particular case you are now upon?—About Mr. Bagnal's?
1749. Yes.—Mr. Butler; I spoke to Mr. Bate too.
1750. When did you do that?—What day?
1751. Yes?—Saturday; Saturday it was.
1752. When did you first come over?—Yesterday was Sabbath.
1753. Do you mean to say you conversed with anybody about this particular vote before this morning?—Before this morning?
1754. Yes?—Oh, yes; I told you it was yesterday, but it was Saturday.
1755. Had you seen Kelly, the witness who has been examined here to-day?—Have I seen him?
1756. Yes?—Yes.
1757. Have you spoken to him about this vote?—Yesterday?
1758. When did you speak to him about this?—Yesterday.
1759. Sunday?—Yes.
1760. I ask you, upon your oath, whether it was not after you spoke to Kelly, and heard from Kelly what he was come here about, that you went to Mr. Butler and Mr. Bate?—I did not see Kelly until yesterday, and I spoke to Mr. Bate on Saturday.
1761. About this vote?—Yes.

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1762. You were several times in the course of the year at this house, did you know the freemasons held their lodge there at that time?—Yes.

1763. Were the freemasons holding their lodge there from time to time during any part of the period when you saw Mr. Bagnal at the house?—I really do not recollect that.

1764. Do you know they had something in the window?—Yes; when they have their monthly meetings, they have a large transparency in the window.

1765. I ask you whether, during the whole of last summer, you did not see that transparency, from time to time, in the window?—Last summer?

1766. We will say in the month of August. Will you undertake to swear you have not seen that transparency in the window of the house in the month of August?—I have not.

1767. Have you seen it there since?—Yes.

1768. When did you last see it there?—In the winter.

1769. What time in the winter?—During the monthly times; each night the meeting would be held.

1770. Did you see it about Christmas time?—I do not doubt but it was.

1771. Have you not seen it there since Christmas last?—Yes, I think I did.

1772. How much after Christmas did you see it?—I do not recollect.

1773. As late as the month of February?—I don't know when it was.

1774. Try and be a little more precise than that?—I really am as precise as I can.

1775. Try your recollection again; do you not know, as a matter of fact and certainty, that transparency, whatever it was, was in the window in the month of February?—I think it was.

1776. Last month of February?—I think it was.

1777. You say you have seen Mr. Bagnal's servant locking and unlocking the door; who do you mean by Mr. Bagnal's servant?—A man of his own; a man of his; a servant of the name of Joe.

1778. Where does that servant generally live?—He lived there then; he lived in Mr. Bagnal's house.

1779. In the house we are now speaking of?—Yes.

1780. Don't you know he lived at Whitmore's?—He did live at Whitmore's, and left Whitmore's, and lived with Mr. Bagnal.

1781. Did he live with Mr. Bagnal in this house?—Yes.

1782. In what month?—I really do not recollect.

1783. Within how long will you say?—I will say within a year that I am speaking; within 1838.

1784. When these freemasons were holding their meetings at the place?—I do not think he was there.

1785. Before that time?—Yes.

1786. It was before the freemasons were holding their meetings?—Yes; I don't think he was there during the time of the freemasons.

1787. Then, if I understand you, the time you are speaking about he locked and unlocked the door, was before the freemasons went to hold the meetings?—The time that I called to see Mr. Bagnal, it was then I saw him.

1788. Was not that before the freemasons had ever begun to hold the meetings there?—Why, really, the freemasons might hold their meetings at that time too.

1789. Was it before or during the time, or after it?—I am not sure.

1790. For aught you know it may have been before the freemasons began to hold their meetings there?—It might or might not.

1791. Don't you believe it was?—I will not swear it.

1792. It might have been as much as 12 months ago, might it not?—Yes, I dare say it was about 12 months ago.

1793. That was when you went to see Mr. Bagnal?—Yes.

Re-examined by Mr. *Wrangham*.

1794. Was that on one of these occasions when you went to see Mr. Bagnal you saw this man Joe there?—Yes.

1795. Do you know whether Joe is living there now?—I don't think he is.

1796. Do you know who is?—No.

1797. I think you told my friend you did not exactly know when the freemasons began to go there upon their monthly meetings, and when they ceased?—No.

1798. But when they went once a month there then the transparency was up at the window?—Yes. *Thomas M'Quaid.*

1799. When that ceased you cannot tell?—No. 6 May 1839.

1800. But do I understand you to tell the Committee that during the whole course of last year down to Christmas, and at Christmas twice, you saw and dealt with Mr. Bagnal as the person who was the proprietor of that house?—Yes.

1801. Meeting him by appointment at that house?—Yes.

1802. Receiving payment of your bills at that house, and transacting business in that house?—Yes.

1803. Whether the freemasons were in the habit during the time of coming once a month to hold their meetings, their supper or dinner, whatever it might be, you don't know?—No.

1804. My friend has asked you whether you have seen the witness Kelly, and whether he spoke to you anything about this vote; did Kelly come to you first or did you go to him?—Kelly came to me first.

1805. Now pray did much conversation pass between you?—Some.

1806. Did Kelly say anything to you about this house; did he say anything to you about the keys of this house?—

Mr. Cockburn objected to the conversation being gone into as inadmissible.

Mr. Wrangham submitted part of the conversation having been spoken to by the witness, he was at liberty to go into the whole of it.

The Chairman stated he apprehended that would be the opinion of the Committee; but the question ought not to be put in a leading form.

Mr. Cockburn was heard to support the objection.

Mr. Wrangham was heard in reply.

The room was cleared.

The Committee deliberated.

Counsel and agents were called in, and informed by the Chairman, that the Committee had resolved, "That Mr. Wrangham be permitted, in re-examination, to question the witness M'Quaid as to the conversation which passed between the witness and Kelly, such conversation having been made the subject of certain questions in Mr. Cockburn's cross-examination."

Mr. M'Quaid re-examined by Mr. Wrangham.

1807. You stated to the Committee that Kelly came to you yesterday?—Yes.

1808. And spoke to you upon the subject of this vote?—Yes.

1809. Now, I ask you did he say anything to you about the key of this house?—

Mr. Austin objected to the question as a leading question.

1810. What did Kelly say to you; in speaking to you about the vote, what did Kelly say?—He said "he was very sorry that he had come at all; that he had hid himself a couple of days, and that on the third day a person served him with a warrant, and that he was very sorry he came here at all, for that he would surely break the vote."

1811. Go on?—There was conversation, as I was with Kelly, a good while, and I asked him about—; there is a back door leading out of Mr. Bagnal's apartments; when you come down stairs from the hall way there, and I asked Kelly; said I to Kelly, "Does not Mr. Bagnal keep the key of that back door himself?" "He does," says he. "No one can come in," says I, "through that door without Mr. Bagnal's consent." "No," says he, "they cannot."

1812. Have you told the Committee, so far as you recollect, all that passed on the subject?—Yes.

1813. If anything else occurs to you—I have asked the question at my own peril; if anything else passed between you make no secret of it, and state it distinctly to the Committee?—No.

1814. (By the Committee.) Who began the conversation?—Kelly did. I asked Kelly what brought him here.

Thomas M'Quaid.

Examined by the Committee.

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1815. Have you stated to the Committee the whole of the conversation that passed between you and Kelly as far as you recollect?—Yes, as far as I recollect.

1816. What made you ask him about the key; what made you put any question about the key; you asked the witness Kelly, "Does Bagnal keep the key"?—Yes.

1817. What made you ask that question?—I repaired that lock myself once for Mr. Bagnal, and I entered it to Mr. Bagnal's account, which Mr. Bagnal paid me for.

1818. Whom did you give the key to?—To Mr. Bagnal's servant.

1819. What made you ask the witness yesterday about the key at all; who put it into your head about the key?—Why really I do not recollect what put it into my head indeed; I really do not.

1820. Did you repair that lock before the freemasons had possession of it?—Yes.

1821. Or after?—Before.

1822. Before the freemasons were there?—Yes, I think it was.

1823. (By Mr. *Wrangham*.) Can you tell the Committee whenabouts it was you repaired the lock?—I think it was about nigh winter; some time in the autumn.

1824. (By Mr. *Wrangham*.) Which autumn?—August.

1825. August in which year?—Oh, the last year.

1826. Do you mean to say it was in August 1838?—1838; I think it was August or September; I am not particular as to the month.

1827. He had said nothing to you about the key, when you began talking about the key; who began talking about the key first, you or Kelly?—I did myself.

1828. You say it was before the freemasons took possession?—I am not sure.

1829. Was it before or after the freemasons were in possession?—I think it was before.

1830. Do you know at what time the freemasons were in possession?—I do not.

1831. When did you first see the transparency up at the window?—I think it was in the winter.

1832. What time in the winter?—Why I think I saw the transparency up about a couple of months ago; two or three months ago.

1833. In January?—Yes.

1834. And not before?—I might have seen it before; I can't be positive.

1835. (By Mr. *Austin*.) To what servant was it you gave the key?—To Joe.

1836. You said that Joe was once Mr. Bagnal's servant?—Yes.

1837. Do you know when he left his service?—I do not know.

1838. Was Joe there last Christmas? you saw Mr. Bagnal two or three times last Christmas; was Joe there then?—I was speaking to Joe there then; but I am not sure whether at that time he was living with Mr. Bagnal or not. It was not regarding Mr. Bagnal's business I was speaking to him.

1839. Where were you speaking to Joe?—On the square opposite Mr. Whitmore's.

1840. Do you know Joe's wife?—Yes, I know her; I saw her.

1841. Is she living with Mr. Bagnal now in his house?—I really do not know; I don't think she is.

1842. (By Mr. *Wrangham*.) Do you know anything about it, whether she is or not?—I think she is not.

1843. Do you know anything about it?—Upon my word I don't.

1844. When you have gone to that house did you ever see the servant that was taking care of it?—Latterly I have seen a woman in.

1845. Was that Joe's wife?—I don't think it was.

1846. When was the last time you were at the house?—About Christmas; that is, on business; the last time I was at the house on business.

1847. What rooms did that woman occupy?—I do not know.

1848. Have you been at the house since?—Not inside the house; I have been repeatedly at the door since.

1849. On any business?—No, none.

1850. I

1850. I don't mean on Mr. Bagnal's business?—No, no further than speaking to a person there. Thomas M'Quaid.

1851. Who was that gentleman?—Mr. Whitmore, or any gentleman of the town; it is a great resort; it is the most public part of the town, and I often go up that way on business, and just perhaps meet a person there and speak to him.

The *Chairman* cautioned the witness not to speak to any person on the subject of his evidence.

[The Witness withdrew.]

A Member inquired if they could not call Kelly back to examine him as to the conversation.

Mr. *Austin* suggested it would be irregular so to do.

The *Chairman* directed Mr. Wrangham to proceed.

Mr. *Wrangham* was heard to support the vote.

Mr. *Austin* was heard against the vote:

By the 7th section of the Reform Act the party claiming to register is required to have occupied, as tenant or owner, a house, warehouse, counting-house or shop, for six months before the registration, the words being, "Provided always, that no such occupier as last aforesaid shall be admitted to be registered under this Act, unless he shall have occupied for six calendar months." At the poll, to a person registered in respect of such occupation, as owner or tenant, an oath may be put, which oath is, that he is the person whose name appears registered in the certificate or affidavit produced, and that his qualification, as such registered voter, still remains. The affidavit made at the time of the registration is, "I have been for six calendar months in possession and actual occupation of a house, warehouse, &c., situate in the town, in respect of which I claim to be registered."

By the Irish Reform Act, therefore, the party ought to continue in actual possession from the time of the registration to the time of the election, or, at all events, six months before the election.

By the English Reform Act legal occupation alone is sufficient; by the Irish Reform Act actual occupation is necessary. The occupation need not be a personal occupation, but it was necessary that there should be a *bond fide* actual occupation.

Under the English Reform Act, the person who is required to occupy for 12 months before the election is required to reside within seven miles of the borough, clearly showing that it is not necessary that he should personally occupy the property within the borough. No such provision is to be found in the Irish Act, except as to the case of freemen, thus showing it was not intended to apply to the case of occupation.

Unless "actual occupation" is necessary, as there is no limit in the Irish Act of a residence within seven miles, any person in England might become a voter of every borough in Ireland, by taking a house, and putting a servant in it, and never residing himself near the place.

The learned Counsel was proceeding to comment upon the facts of the case,

[When the Committee adjourned till To-morrow, at Eleven o'clock.]

Martis, 7^o die Maii, 1839.

GEORGE GROTE, Esq., IN THE CHAIR.

The Names of the Members called over;—All present.

The case of *Philip Bagnal's* Vote resumed.

Mr. *Austin* was heard to continue his argument against the vote.

The room was cleared.

The Committee deliberated.

Counsel and agents were called in, and informed by the *Chairman*,

the

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The Committee had resolved, "That the vote of Philip Bagnal is a good vote."

Mr. *Austin* stated they proposed to remove the vote of Walter Newton from the poll.

The voter stood 293 upon the poll, described as of Dunleckney-house, and as voting for dwelling-house, offices, and premises. Qualification oath put, and vote objected to.

The affidavit of register was dated 2 January 1835, for dwelling-house, offices, and premises in Athy-street.

The affidavit of register of William Pendred was put in. It described William Pendred as a cabinet-maker, of Athy-street, and as being registered for a shop and premises in Athy-street.

John Kelly called in, sworn, and Examined by Mr. *Cockburn*.

John Kelly.

1852. ARE you foreman to Mr. Pendred?—Yes.

1853. What is Mr. Pendred in his business?—He is a cabinet-maker.

1854. How long have you been in his employment?—Three years next month of June.

1855. Where does he live?—He lives No. 1, Athy-street.

1856. How long has he been living in that house, do you know?—I do not know.

1857. Is that a part of what you told us was the original house from which Mr. Bagnal's three rooms had been separated?—It is.

1858. There was a new door, you told us, made to Mr. Bagnal's?—Yes.

1859. You have told us of these three rooms which Mr. Bagnal occupies?—Yes.

1860. Which it was said Mr. Bagnal occupied; they had a separate door?—Yes.

1861. You say those three rooms were taken off from that house?—Yes.

1862. Was there any communication between Mr. Bagnal's and this part of the house occupied by Mr. Pendred?—None, unless through the hall doors and back doors.

1863. With the exception of those three rooms occupied by Mr. Bagnal, has Mr. Pendred the rest of the house?—I believe him to have the rest of the house.

1864. You have been his foreman for three years?—Yes.

1865. Does anybody come there to inhabit or to use the premises?—I heard Mr. Newton comes there often: he has been there often; but lately I have not seen him often.

1866. How lately have you seen him there?—I have not seen him there, now I think, these four or five months.

1867. (By the *Committee*.) Newton?—Yes, Mr. Walter Newton.

1868. When he comes there where does he go to?—It was not in the house I saw him; it was in the yard.

1869. Does Pendred work for Mr. Newton?—He does.

1870. In his trade?—Yes, he does.

1871. Do I understand you, with the exception of having seen him in the yard, you have never seen Mr. Newton about the house?—I have often, but a long time ago.

1872. What do you call a long time ago?—I have not seen him in the house now I suppose within the last year.

1873. When you have seen him there, has he been there giving orders about the work; when you have seen him in the house, what has he been about?—I can't exactly say what he was doing there then.

1874. Does Mr. Newton occupy any part of that house?—I believe not.

1875. If I understood you, for the last year, at all events, you have never seen him in the house; when you have seen him about the premises, it has been in the yard?—It has been in the yard.

1876. Has Mr. Newton any servants in the house?—No, sir.

1877. Any bed in the house?—I believe not.

1878. Do you know whether he has a bed at the club, at Whitmore's hotel, the next door?—I don't know that he has a bed, but he had a French bedstead.

1879. How long ago?—I went in there about 18 months ago to take pattern by it, to make one for Mr. Bagnal.

1880. You

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1880. You went there to make one by it for Mr. Bagnal?—Yes.

1881. (By the *Committee*.) How long since?—About 18 months.

1882. Where was that?—At Whitmore's.

1883. Do you know when Mr. Newton comes to Carlow, is he in the habit of going to Whitmore's?—No.

1884. Do you know where he goes to when he comes to Carlow?—I don't know where he goes to; when he comes into Carlow he very often puts his horse up in the stables; that is, our workshop is over those stables, and then we have an opportunity, when he comes to Carlow, of seeing his horse under our workshop in the stable.

1885. Has anybody else horses in that stable?—Oh, many other gentlemen put in their horses there.

1886. What stables are they?—They are stables that are attached to Mr. Pendred's; it is a part of the concern.

1887. A part of Mr. Pendred's concern?—As I understand, Mr. Pendred's concern.

1888. (By Mr. *Wrangham*.) Do you know it?—I know it to be Mr. Pendred's, it is his workshop; this stable is under the workshop; there is only the loft between the stable and the workshop.

1889. You say many other gentlemen put their horses in there beside Mr. Newton?—Many others.

1890. Do you know how many others?—I have often seen three or four in the day; when they have too many horses in the club-house they bring them into the stable and leave them there.

1891. Who keeps the key of that stable?—I do not believe there is any key to the stable; I have never seen it locked.

1892. Who acts as owner?—Mr. Pendred.

1893. Just describe the part of the house occupied by Pendred; rather that part of the house beyond the three rooms of Mr. Bagnal's?—There are two parlours; one parlour Mr. Pendred occupies; the other parlour opposite the hall is a wareroom.

1894. Is it used as a wareroom by Mr. Pendred?—Yes; then you go up stairs and there is a landing, a large lobby like; that is also used for the use of furniture, and then to the right of that, or rather to the left of the opposite side of Mr. Bagnal, is Mr. Pendred's bedroom; then you pass opposite Mr. Pendred's bedroom, there is a small room like a closet, the window facing the garden, and there is some furniture there at times; it is very small: then you pass on straight, leaving those two rooms, Mr. Pendred's bedroom and this small closet, at the opposite side; you leave them at each side of this and pass on, when there are two rooms more also occupied by furniture.

1895. If I understand you, on that floor there is a bed-room of Mr. Pendred's?—Yes.

1896. And is there anything else beside what is occupied by furniture?—None.

1897. All the rooms on that floor, except Mr. Pendred's bedroom, are all occupied by furniture?—Yes.

1898. Is that all Mr. Pendred's furniture?—All Mr. Pendred's furniture, with the exception of one loo-table that I was making for Mr. Newton, which is not finished.

1899. Is there another story?—There is another story there up stairs.

1900. What does that consist of?—That consists of one bedroom and three small rooms; those are rather like lumber rooms.

1901. Who occupies that one bedroom that is up in that story?—Mr. Pendred's servant girl.

1902. If I understand you, you have described to us now all that part of this house which is beyond the three rooms occupied by Mr. Bagnal?—All.

1903. Has it been so occupied for the last two years in the manner you have described?—It has.

1904. And you say you have been foreman about two years?—Three years. One of the rooms that I told you of to the side of Mr. Pendred's, a Mr. Turner, from Dublin, who done the iron-work for the new court-house, did sleep in that room; himself and wife, one of those rooms; then when he left that and returned to Dublin, Mr. Pendred had it papered, and used it as a furniture ware-room.

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1905. Now before you went into the service, did you come from Dublin to Mr. Pendred's?—Yes.

1906. You did not know anything of the premises before you came to Mr. Pendred's, did you?—Nothing of it.

1907. Has Mr. Newton any premises at all in Athy-street?—I believe not; none but that house, that he is the landlord; he is the landlord of that house.

1908. (By the *Committee*.) Landlord of which house, of the house we are speaking of?—Yes.

1909. (By the *Committee*.) Of Mr. Pendred's house?—Yes.

1910. You say he has no other premises in Athy-street at all, none but this house?—None but this house and premises attached to it.

1911. (By the *Committee*.) Are the premises attached to it belonging to Mr. Newton?—Belonging to Mr. Pendred; we use the stables; Mr. Pendred used the stable for his own horse, and we use the loft over it for the workshop.

1912. (By the *Committee*.) Does the whole place belong to Mr. Newton?—I always understood from Mr. Pendred that he was his landlord.

1913. When you speak of the premises attached, you mean the stable and the loft above; is there anything else?—Yes, there are coach-houses.

1914. What do they consist of?—Just an open place enclosed by a door; Mr. Pendred has a library book-case there, an old one in one of them, and the other is occasionally cuttings of our timber.

1915. Mr. Pendred uses that as part of the premises?—He uses them as part of the premises.

1916. If I understand you, all these premises are used by Mr. Pendred?—So far as that; then down to the end of that again, there was a place used by Mr. Turner for a workshop, while he had the work of the court-house.

1917. From whom did he derive permission to use that, from Mr. Pendred, or from whom?—I don't know.

1918. You must not tell me of anything you have heard; if there is anything you have seen, or you know of your own knowledge, you can tell me. I think I asked you from whom Mr. Turner had obtained the use of this shop; do you know who put him in possession; did you see anybody put him in possession?—I did not.

Cross-examined by Mr. *Wrangham*.

1919. How long have you lived with Mr. Pendred?—Three years next month.

1920. He had been in business before that time, had he?—Yes.

1921. Had you worked at your trade in Carlow before that time, and up to that time?—I came from Dublin to Mr. Pendred; he engaged me at Dublin to come down to him.

1922. You came to Mr. Pendred from Dublin?—Yes.

1923. Three years ago, I think you say?—Three years next month; in June.

1924. How long Mr. Pendred had been carrying on business here you do not know?—I do not know the exact time.

1925. All the time you have known the premises Mr. Pendred has occupied what he now occupies; is that so?—Will you please to ask me that again?

1926. All the time that you have known Mr. Pendred and these premises, Mr. Pendred has occupied the same premises that he now occupies?—With the exception of the apartments that were occupied by Mr. Turner while he was in Carlow.

1927. During the temporary occupation of some part of it by Mr. Turner?—Yes.

1928. Was Mr. Turner there when you went first?—No.

1929. Then I put the question to you again; does Mr. Pendred at this moment occupy the same premises that he did occupy when you came to it?—Certainly not; Mr. Bagnal took off three rooms of the house.

1930. Pendred has not gained any additional apartments since you knew him?—I believe not.

1931. Mr. Newton has given up no apartments to him since you knew him?—I rather think he has taken apartments from him.

1932. Who has?—Mr. Newton.

1933. Has taken apartments from whom?—From Mr. Pendred.

1934. Which are they?—Of course those that Mr. Bagnal has got.

1935. Taken them from him; deprived him of them. The question is, has Mr. Newton given up, or surrendered to Mr. Pendred any apartments since you have known

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known Mr. Pendred? and then your answer is, that he has taken some from him; has he given any up to him?—I don't know of his giving any up to him.

1936. Then so far as you know, do I understand you to say that Mr. Newton has the same, and no more, interest in this house, or occupation of this house, than he had when you first came to Mr. Pendred?—None more, to my knowledge.

1937. Has he any less?—None less.

1938. You came to Pendred when he was living here?—He engaged me in Dublin to come down to him.

1939. Did you come to him when he was living there?—I did.

1940. I need not ask you, then, whether you were present at any time when the terms of the letting were agreed upon between Mr. Pendred and Mr. Newton?—It was before I came down to Mr. Pendred.

1941. Therefore, whether Mr. Newton did or did not reserve any part of the premises, a right to occupy any part of the premises, you cannot tell?—I can't tell.

1942. You have spoken of Mr. Newton as the landlord of this house?—Yes.

1943. Do you know that fact of your own knowledge?—I have it from my employer.

1944. The only way in which you know Mr. Newton has any property or interest in these premises is, from what you have heard from some other person?—From my employer.

1945. You say you believe that Mr. Newton has no other house in Athy-street?—I do.

1946. How do you come to believe that; do you know that of your own knowledge?—I have never heard that he had.

1947. You do not know that he has not?—I do not know that he has not.

1948. Is it a large street?—It is; it is not large; it is large considering a country town.

1949. We do not suppose it is as long as Oxford-street; it is a large street for Carlow?—Yes, Athy-street is middling; it is not large.

1950. Which do you mean; first of all you tell me it is large; then you say large for Carlow; now you tell me it is not large?—Why you would not consider it large.

1951. Is it what you, speaking as a Carlonian, consider as a large street?—As a Dublin man, I consider it as a small street.

1952. But as a Carlonian, you think it is large?—No, not even if I were a Carlow man, I should not consider it large.

1953. What do you mean by considering it large?—It is long, but there are not very many houses.

1954. What do you call a number; how many houses do you consider there are?—I never reckoned them.

1955. Probably the doors are not numbered, are they, as they are in London and Dublin?—Some doors are numbered.

1956. Are they in Athy-street?—I do not know.

1957. This is the street you work in, is it not?—Yes.

1958. Pass up it constantly, two or three times of a day to your meals?—Yes.

1959. And you don't know whether the houses are numbered?—This is No. 1.

1960. Is it numbered?—It is not numbered.

1961. Although houses are not numbered, you say it is a pretty long street; the last account we had of it was that; about as near as you can say, how many houses are there in it?—It is a thing I cannot well tell you.

1962. Are there 100 or 200?—Not so many.

1963. Not so many as either?—I don't think there are 50.

1964. Will you swear there are not a hundred?—I will not swear there are not a hundred; I would not swear to the number.

1965. Will you swear there are not 150?—I will not.

1966. Will you swear there are not 200?—I will not.

1967. But then these houses which you won't swear there are not 200 of, will you undertake to swear Mr. Walter Newton has no interest or occupation in any one of them?—I will not swear whether he has or not.

—1968. But the house which you and your master has to do with is No. 1?—Yes.

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1969. Mr. Newton has a good deal of property at Carlow, has he not?—
I never heard that he had property in Carlow, not in Carlow, more than one house more.

1970. You never heard of more?—Never heard of more in Carlow.

1971. I suppose you do not know to whom each particular part of the property in Carlow belongs?—This other house that he has—

1972. I am not asking about the other house; pray be good enough to answer my question; do you undertake to tell the Committee to whom the different portions of property in the town of Carlow belongs; I want to test your means of knowledge?—To my knowledge, one part Mr. Bagnal has got, and the other part Mr. Pendred has got.

1973. Of what?—Of this house.

1974. Pray Mr. Kelly, I am sure you wish to tell the Committee what is true; you are speaking of the proprietors of different houses in the town of Carlow; I want to know what your amount of knowledge is as to that subject; can you tell the Committee to whom the different portions of property in the town of Carlow (put this house out of your head), belong?—Certainly not.

1975. You probably can't tell us to whom the houses in Athy-street belong?—Certainly not; I am a stranger going to Carlow.

1976. You probably can't tell to whom any one of them belongs of your own knowledge?—Except of my own knowledge I cannot.

1977. But of your own knowledge can you tell—do you of your own knowledge—can you on your oath, giving your evidence here and speaking of your own knowledge, not what you have heard from other people, tell the Committee who is the owner of any one house in Athy-street?—I cannot.

1978. You do not live in Athy-street, do you?—No.

1979. They are not your neighbours, the people who live in Athy-street?—No.

1980. Your acquaintances don't reside in that street?—I have not many in Carlow.

1981. But in Athy-street?—None in Athy-street that I know of, unless my employer; you told me to put that house out of the question.

1982. That you only know from another person, from what Mr. Pendred has told you. You say from your own knowledge you do not know the proprietor of any one house in the street; you have no acquaintances in the street, and your neighbours do not live there, you are not in that residence?—Do I understand you right; you told me to put that house where I do business out of the question?

1983. Yes; the house you do business in, you told us before, you heard from Mr. Pendred belongs to Mr. Newton?—Yes.

1984. That is not knowing it of your own knowledge, but from what Mr. Pendred told you?—It is spoken generally of throughout Carlow as that being Mr. Newton's house.

1985. You know it from general report?—Yes.

1986. Not from what Mr. Pendred told you?—Yes, and from him too; he particularly mentioned that.

1987. But whether or not there are other houses, or houses which may be possessed or occupied by Mr. Newton in Athy-street, you can't tell of your own knowledge?—I never heard that he did.

1988. Do you know of your own knowledge that he does not?—I do not know.

1989. Do you know Mr. Newton?—I do.

1990. Is he in the habit of coming frequently to Carlow?—I have often seen him in Carlow.

1991. I may say he is in the habit of coming frequently?—Yes.

1992. Do you know whether he is in the habit of attending at the assizes as a grand juror?—I have seen him.

1993. As a grand juror?—He was not on the last grand jury pannel in Carlow.

1994. Have you seen him as a grand juror?—I have not.

1995. Never?—Never at any time.

1996. Then why did you tell me he was not on the last?—Because I was in the court-house when the grand jury were called at that time.

1997. You have seen him attending in the court at the assizes you say?—No, sir.

1998. You have never seen him in court?—Never; I was on business in the court-house.

1999. I asked you whether you had seen him attending at the assizes?—No.

2000. Do you know he is a magistrate?—He is a magistrate.

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2001. There is a petty sessions held in the town of Carlow?—Yes.
2002. How often?—Once a week.
2003. How far does Mr. Newton live from the town of Carlow?—In or about seven miles.
2004. What is the name of his place?—Dunleckney.
2005. Is that his own estate do you know?—I am told it is; he lives there.
2006. Do you know all the furniture you have been speaking of belongs to Mr. Pendred?—I made it for Mr. Pendred, with the exception of two articles that is now there unfinished; those were made for Mr. Walter Newton.
2007. Mr. Pendred deals in furniture, does he not?—Yes.
2008. And you make furniture for him to deal in?—Yes.
2009. So that all the furniture you make you make for Mr. Pendred?—Yes.
2010. Does it follow that all the furniture you make for Mr. Pendred belongs to Mr. Pendred?—Why I would think, as my employer, and he paying me, that anything I do make is for him.
2011. You make it for him to sell?—Yes.
2012. Not for him to keep?—To sell.
2013. Therefore the fact of your having made any furniture for Mr. Pendred is no proof that that furniture belonged to Mr. Pendred; it may have been sold to some one else?—If it was sold I would have been told of it.
2014. Mr. Pendred, you say, supplies Mr. Newton with furniture, does he?—Yes.
2015. And you make the articles which Mr. Pendred so supplies; or assist in making as foreman?—Sometimes give directions, and sometimes assist in making.
2016. As foreman?—Yes.
2017. Now you say you have not seen Mr. Newton in the house for the last few months; three or four months?—I believe not for the last 12 months.
2018. Where did you use to see him?—Oh, just passing through; the last place I saw him was in Mr. Pendred's parlour.
2019. You say you have seen him in the parlour?—The last place in the house I have seen him I believe was in the parlour.
2020. What are the up-stairs rooms?—Do you want to know what they constitute?
2021. Yes, the up-stairs rooms. First I will ask you as to your means of knowledge; are you in the habit of going up stairs?—Yes.
2022. Does your work take you up stairs?—Yes.
2023. Through the whole of the upper part of the house?—Yes, with the exception of two little garret rooms that I do not go into; there is one in which curled hair is, and I go into that.
2024. You represent you are in the habit of going into every other room but those?—I have been in every other room.
2025. Are you in the habit of going into every other room?—I have been often up through them.
2026. Am I to understand, from your representation to the Committee, that the whole of those rooms are occupied with furniture?—There are two bedrooms.
2027. Who occupies them?—The servant occupies one bedroom, the servant woman, and Mr. Pendred the other.
2028. Then, so far as you know, there are no apartments in that house reserved for or occupied by Mr. Newton at any time?—The furniture being in them all, I do not believe there is, with the exception of those two bedrooms.
2029. Is that the only reason that you have to give to the Committee for saying that you believe no apartments in that house are reserved for the occupation of Mr. Newton, that there is furniture in them all?—The furniture is in them; and there might have been apartments reserved for Mr. Newton, but as they are used for furniture, that is the reason I say I consider them Mr. Pendred's.
2030. Is that the only means of your conception or belief on the subject, that there is furniture in them?—I consider a good proof.
2031. Is that all?—That is all.
2032. Where do you work?—In Mr. Pendred's.
2033. What part of the house?—In this loft, over the stable.
2034. Your work, I suppose, occupies you during the greater part of the day?—Sometimes I go about the country, taking orders sometimes, taking directions at other times.
2035. For how long a time might you be absent?—Oh, perhaps only going

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away once a week ; perhaps once a fortnight ; and very seldom, I believe, more than a few hours away ; sometimes far and sometimes near.

2036. Sometimes a few hours ?—Yes.

2037. Sometimes a few days ?—Sometimes a few days ; that only happened on one occasion.

2038. Sometimes more than a week ?—No.

2039. Never ?—Never.

2040. Sometimes a few days ; on one occasion a few days ?—Yes.

2041. What I want to know is, whether your work, when you are at home, takes you into these upper rooms of the house, or keeps you in your workshop over the stable ?—I have to pass up with work, and sometimes taking down work, and sometimes going up with customers to show them work, and to sell.

2042. You don't mean to tell the Committee that Mr. Newton may not have been in these rooms repeatedly without your knowing anything about it ?—He might have been there without my knowing about it.

2043. He may have seen his tradespeople, and given orders, and transacted his business, without your knowing anything about it ? Is that so ?—He might.

2044. And may be doing so down to this moment ?—Oh ! he may ; I cannot know ; I here in London.

Re-examined by Mr. Cockburn.

2045. Tell me, Kelly, will you ; this furniture, which is in these rooms where my learned friend says Mr. Newton may be for aught you know, was it new furniture ?—Yes.

2046. Made by you in the course of your employment by Mr. Pendred ?—Yes.

2047. Were those rooms used for the depositing of furniture which was intended to be shown to the customers for sale ?—Yes.

2048. Were the rooms furnished in the mode in which rooms would be furnished for occupation, or was the furniture put in a manner that would be most convenient for showing the furniture ?—To answer as ware-rooms.

2049. I understand you ; the furniture was placed in the rooms as you would place furniture in a ware-room for show, not as you would place furniture in a room for the purpose of habitation ?—For show.

2050. Was that so in all the rooms you have spoken of as occupied by furniture ?—Yes.

2051. Both on the first and second story. Are there any rooms on the second story occupied by furniture ?—The parlour and landing, and the two rooms to the right, and sometimes three rooms ; a little room that is there we put things into.

2052. Are there carpets in those rooms ?—No.

2053. Any bed in either of them ?—No, sir ; sometimes bedsteads are put, not screwed up, in them, just for show, as the rest of the furniture.

2054. Now, during the time you have been foreman at these rooms, have they been occupied by the furniture in this way ; has furniture from time to time been removed in the course of the business for sale, and other new furniture supplied in the place of that which had been sold off ?—Yes.

2055. When you told my learned friend that Mr. Newton may have been there without your knowing it, do you mean that he may have been there occasionally, or that he may have been occupying those rooms as a person would occupy rooms that he inhabited ?—Why, the furniture being in them, I cannot say that he occupied them.

2056. Do I understand you to mean by what you say, to mean he may have been there occasionally ?—He may have been there.

2057. Do you mean he may have been in the same manner as any of your master's customers may have gone in there ?—Certainly.

2058. Have you ever known him to occupy those rooms in the sense in which you would say a person occupied a room which belonged to him, or which he inhabited or used for his own purposes ?—Not during my time.

2059. You say Mr. Newton deals with Mr. Pendred ?—Yes.

2060. Have you ever, in the course of your business as foreman, had occasion to go up to those rooms with Mr. Newton, to show him furniture there ?—He has come with me up to the workshop to look at the work ; but he has been there so seldom, that it did not happen that I went up to those ware-rooms to show him furniture.

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2061. Did you ever know him sleep in the house?—No.

2062. I think you told us he had a bed at Whitmore's; that you went to take some pattern; you looked at it as a model?—Mr. Bagnal wanted a bedstead, and I was sent by my employer into Mr. Whitmore's hotel, to ask for Mr. Walter Newton's bed, that I might make one of the same pattern for Mr. Bagnal.

2063. Were you shown into Mr. Newton's room?—I asked to see Mr. Newton's room, and I was showed into it. I asked for his bedstead, and I was shown into this room, and there took off the pattern, and got the bed made by it.

2064. Have you ever seen Mr. Newton in Whitmore's?—No.

2065. Did you ever see Mr. Pendred pay any rent to Mr. Newton?—No.

2066. My friend has asked you whether you could say, of your own knowledge, Mr. Newton was not the owner of some other houses in Athy-street; do you know whether he occupies any house in Athy-street?—I never heard he did, and I don't know.

2067. You have lived there two years in the town?—Near three years.

2068. You never heard of his occupying any house in Athy-street?—Never heard.

Examined by the Committee.

2069. What did the premises consist of that Mr. Turner had as a workshop?—A small yard.

2070. Were there any premises?—A small yard; a large place, something like a coach-house, that he used as a forge for his men.

2071. There was a forge in it?—Yes; and there was another house that he built or raised, a house for the use of his foreman, the smith, down the end of the yard.

2072. When did Mr. Turner commence; when did he come to Carlow?—I think it is about a year and a half ago.

2073. He took the premises of Mr. Pendred, did he?—I don't know.

2074. Can you recollect the exact date when you came to Mr. Pendred?—Yes.

2075. What is the exact date?—Within a few days of the time?

2076. Yes.—I think about the 17th day of June.

2077. In what year?—1836.

2078. You were mentioning a stable, how many stalls were there in that stable, do you know?—Four.

2079. Were you ever sent by Mr. Pendred to make any payment to Mr. Newton?—No.

2080. You mentioned there was a French bed in Whitmore's Club you were sent to take a pattern of?—Yes.

2081. Do you know, of your own knowledge, of that bedroom belonging to Mr. Newton?—Mr. Pendred desired me for to go into Whitmore's Hotel, and ask for to see Mr. Newton's bed, and accordingly, when I asked where Mr. Newton's bed was, I was showed to Mr. Newton's room, that is, the mistress of the place desired the servant to show me Mr. Newton's room. I then went up, and was showed the bed in it; and I took the pattern of this bed, and brought it, and gave directions to the men, and myself along with them made the bedstead.

2082. Several people frequented Whitmore's club-house?—Yes.

2083. Did other people sleep in that room; was it entirely kept for Mr. Newton's use, or was it for the accommodation of any one who came to the house?—I cannot say.

2084. On which floor was this bedroom?—It was on the first floor; the front room on the first floor.

2085. (By Mr. *Wrangham*.) Do you not know that when the club-house or hotel was established, many of the gentlemen contributed beds to set the person up in business, which beds have gone by their name, although they are occupied indifferently by all the world that frequent the hotel?—(No answer.)

2086. Do you know how long that club-house has been established?—I cannot tell.

2087. Do you know whether there are other rooms in that house that go by the name of different gentlemen in Carlow?—I did not hear it. I only was sent in one; the one occasion that is connected with the business of the bed, I believe I was twice there upon it. I was shown this room, and I was told it to be Mr. Walter Newton's room, and his bed was there.

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2088. Were you ever in that room at any other time?—I cannot say that I was in it at any other time; no.

2089. You are sure you were not?—I think not.

2090. (By Mr. Cockburn.) Is this a public hotel?—Yes.

2091. Frequented by anybody; anybody could go there; travellers or any one?—Yes; always very respectable people can go there.

2092. Is it not a club-house?—It is so called, and “club-house” is over the door.

2093. You mentioned gentlemen who have been at that club-house sometimes putting the horses in the stable under the workshop?—Yes.

2094. Did they pay for it?—I do not know; I think not.

2095. You went to Mr. Newton’s bed-room twice?—I think I had occasion to go there twice, but on the one business.

2096. What, was Mr. Newton occupying the room, or was he absent?—He was absent from Carlow.

2097. It was still the same room, both on the first and second occasion?—Yes, I went to the same room.

2098. What interval was there between the first time of going and the second?—It might have been the same day, and it might have been the day after.

2099. Did you go both times on the same business, to look at the bed?—Yes.

2100. Were Mr. Pendred’s premises repaired during the time that you were with him?—Yes.

2101. Did Mr. Newton ever inspect those repairs?—Not to my knowledge.

2102. Were you about the place when the repairs were going on, and could you have seen him if he had been there?—I was there and did not see him.

2103. Did you say the word “club-house” was written over the front of this hotel?—Yes.

2104. Was there not another word, “club-house hotel,” written across the door; club-house and hotel?—Whitmore club-house hotel it might have been; it might have been the case; I think it was “Whitmore’s club-house” only, to the best of my opinion.

2105. To the best of your recollection, it was club-house only?—Whitmore’s club-house.

2106. You have no doubt it has been used as an hotel?—It has been used as an hotel.

2107. Can you tell us what the value of that stable might be to let for a year; not the workshop over it, but the stable alone?—I don’t know the value stabling lets at.

2108. Was it generally scarce in Carlow; was stabling generally scarce in Carlow?—No, sir, but I believe the stabling in Whitmore’s was not sufficiently large.

2109. Can the witness speak to the value of the house itself; namely, the annual value to let?—I cannot state from my own personal knowledge the value of the house, but Mr. Pendred told me he paid 35*l.* a year.

2110. (By Mr. Wrangham.) For what he has?—For what he has.

2111. (By Mr. Wrangham.) You cannot speak to the value of the whole mansion?—I am not a judge.

[The Witness withdrew.]

Thomas Crawford Butler, called in, sworn; Examined by Mr. Cockburn.

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2112. I BELIEVE you are one of the agents for Mr. Bruen?—Yes.

2113. Will you be so good as to look at that affidavit of register; did you fill it up—(*The affidavit of Mr. Walter Newton handed to the Witness*)?—I did.

2114. You are a solicitor?—I am.

2115. Were you acting at that time as solicitor and agent of Mr. Walter Newton for the purpose of this register?—I was.

2116. Did you fill up that affidavit of register by the instruction of Mr. Newton?—He gave me no instructions about it.

2117. You were acting as his solicitor; how came you to do it?—I was not acting particularly as his solicitor; I was acting generally on my own responsibility; I got no instruction.

2118. You can tell me, if that is so, what were the premises in respect of which, acting as you did, you filled up that register?—I cannot exactly say.

2119. You cannot exactly say what?—I cannot exactly say the particulars.

2120. Do you mean to say you have since forgotten, or that you did not know at the time you filled up the affidavit what were the premises in respect of which you intended to fill it up?—I am just now as well acquainted as I was then, and I received neither instructions nor was my knowledge particular as to the exact premises.

2121. Do you mean to say you filled up the register to which Mr. Walter Newton was afterwards to swear without knowing what premises Mr. Walter Newton had in the town of Carlow; you mean to swear to that?—I do.

2122. Did any examination take place of Mr. Newton?—O dear, yes.

2123. Before the revising barrister?—Yes.

2124. Did Mr. Newton state before the barrister what were the premises in respect of which he claimed to register?—I believe he did.

2125. Have you any doubt he did?—I have no doubt; I cannot say as to any particulars further than being in the general occupation of the house and premises in the town of Carlow.

2126. Did he not state in what street?—I really cannot exactly recollect now the exact street.

2127. You cannot recollect the street of which he spoke?—All I can recollect is the general mode as to all such persons; there was very little said as to Mr. Newton.

2128. Do you mean to state any person that stated the particulars of their qualification did not state the street in which the premises were situated?—I believe they state the street.

2129. Have you the slightest doubt that each person stated the street when he was examined?—Indeed, I would have a doubt in such a case as Mr. Newton's, and why? that there was nothing of value; there was no question to be gone into; it was a mere matter of form; it was presumed.

2130. I am asking the invariable course; as each person was examined as to the particulars of their qualification, was it not for that person to state the premises in respect of which he claimed to register, and their local situation?—That is a general question that I cannot answer.

2131. You mean to state you do not know whether each person stated the name of the street?—There is a printed list, and according to that printed list we went; but whether in this individual case, or whether in the general point of view, that such exact particularity was entertained, I cannot at present state; much more particular line of examination in one case than another.

2132. I will ask you this, had you been at that time solicitor for Mr. Newton at all?—Not at all; I never was.

2133. Had you been acquainted with Mr. Newton?—Oh yes, so far as knowing him.

2134. Did you know that Mr. Newton had then premises in Athy-street?—No, I did not of my own knowledge.

2135. Do you mean you never heard Mr. Newton state that?—I never did; I know very little of Mr. Newton.

2136. You knew him by sight, I suppose?—Knew him by sight; merely "How do you do?"

2137. Were you in the habit of frequenting Whitmore's club-house?—Frequently.

2138. Have you met Mr. Newton there?—I have, and every gentleman of the county.

2139. Do you remember the first establishment of Whitmore's club-house?—Yes, I think I do.

2140. When was it?—I cannot say the year.

2141. About how long ago?—I should think it was about the year 1833, but I am not particular.

2142. Did you know the premises next to it, now in the occupation of Mr. Pendred?—Yes.

2143. Cabinet-maker?—Yes.

2144. Did you ever see Mr. Newton on those premises?—Never.

2145. Did you not know?—I have seen him up-stairs.

2146. That is being on the premises?—You say Mr. Pendred's premises.

2147. You have not seen him at Pendred's?—Yes.

2148. You have seen him at Whitmore's?—No; but I have seen him in his

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own house; the apartments overhead. I have seen him there, and I have lunched there with Mr. Newton.

2149. Seen him where?—Seen Mr. Newton in his apartments, where I lunched; and where I saw a great number of others.

2150. When was that?—Several times.

2151. Fix any dates?—I cannot exactly say the date; I cannot say the date.

2152. How far back? I do not ask to a month; two years ago?—It was two years ago, once.

2153. Three years ago?—No, I think since that; I think in August 1837.

2154. In August 1837?—I think so.

2155. Are you sure that was not in Mr. Bagnal's, his brother's?—Oh no; I have in Mr. Bagnal's also, with Mr. Bagnal; they are quite apart from Mr. Newton's.

2156. You say you lunched with him in that house in the part above; the upper story?—Yes.

2157. Was it in respect of that house he registered?—I cannot say.

2158. You say you lunched with him in his own house; is that the house which forms any part of the premises next door to Whitmore's?—Oh, it is.

2159. You say Pendred is a cabinet-maker, occupying those premises; what part does Pendred occupy, do you know?—I believe the under part of the house; the shop and concerns underneath.

2160. If I understand you, what you are speaking of as Mr. Newton's was over the shop?—Over the shop, generally.

2161. The under part is the shop; the shop and rooms of the under part are occupied by Pendred?—I believe so.

2162. And the part above the shop, and under part, are the rooms which you say constitute Mr. Newton's house?—That is, constitutes the premises in which I saw Mr. Newton, and had the pleasure of lunching with him.

2163. That, I think, you say was two years ago?—I think it was two years ago.

2164. That was in Athy-street?—Yes.

2165. Can you tell me when Pendred first came into occupation?—I cannot say.

2166. You were in the habit of frequenting Whitmore's; I may take this for granted, that Whitmore's was established as a club-house before Pendred became a cabinet-maker in those premises?—That I cannot say either.

2167. Have you seen Mr. Newton latterly in the town?—I have.

2168. Have you ever lunched with him since?—No.

2169. Have you seen him at Whitmore's?—No, I do not recollect having seen him there some time.

2170. Where have you seen him within the last two years?—I have seen him in the town, walking about in the court-house.

2171. Have you seen him in any room?—I have seen him walking in the town, and at the court-house; I cannot exactly recollect in any particular room.

2172. You called this his own house; are you aware; have you heard from him?—Excuse me; I do not call it his house.

2173. That was the expression you used first?—The only expression I fancy I made use of was, that I have been at those apartments with Mr. Newton when I lunched with him.

The Chairman :—He did say in his own house.

2174. You have never seen him in any other house in Athy-street?—In Athy-street?

2175. Yes.—Oh, never.

2176. You are well acquainted with Athy-street?—I am.

2177. You can tell me whether he does occupy any other house in Athy-street?—Not that I know of.

2178. Have you been long acquainted with the town of Carlow?—A great many years.

2179. I will ask you whether a gentleman could occupy a house as his own, or tenant, without your knowing of the fact?—I should rather think not.

2180. Have you any doubt whatever that Mr. Walter Newton does not occupy, at all events, any other house than this in Athy-street?—I have no doubt.

2181. I believe, as an agent, you take an active part in the election; you have been in the habit of canvassing?—Never canvassed in my life.

2182. But

2182. But I suppose I need hardly ask you, you know every occupier, from the active part you have taken in the election; you know pretty well by whom each house in the town is occupied?—Most decidedly not, nor one-half of them.

2183. Do you know Athy-street?—No, I cannot say.

2184. You say you have no doubt of the fact, if I understand you, that Mr. Walter Newton does not occupy any other house in Athy-street?—There is no reason that I can form any doubt upon it.

Cross-examined by Mr. Wrangham.

2185. I think you say you have had the pleasure of lunching with Mr. Newton at the house in Athy-street?—Yes.

2186. Adjoining to Pendred's?—Yes.

2187. Do you recollect in what way you gained access to the house?—

2188. (By the Committee.) You mean over Pendred's?—Yes, over Pendred's.

2189. Do you recollect by what door you entered that house?—I do.

2190. Will you tell the Committee?—By a door from the club-house yard, in through the garden, and up a door into his apartments.

2191. By an outer door opening into those separate apartments?—An outer door opening solely into those apartments.

2192. That door opened from the garden, through which there was a communication with the club-house?—Yes; and those apartments from Pendred's were shut out by a door that Mr. Newton had the key of.

2193. Where was the entrance to Pendred's house, do you remember?—The front street, opposite the court-house.

2194. You were invited to that lunch by Mr. Newton, were you?—I was, with many others.

2195. And you eat and lunched there?—I did.

2196. And you presumed that that was the house of the party giving the luncheon, did you?—I did.

2197. I think you said that was in August 1837?—I think so.

2198. Are you pretty sure it was not longer ago than that?—I know there were two or three occasions of the election in which those luncheons were, and I have been at others before those.

2199. There was an election there in 1837?—Yes.

2200. Is that the only reason you fix upon that?—Yes.

2201. (By Mr. Cockburn.) Was that the occasion in which the luncheon was?—Yes.

2202. I did not quite collect whether you had ever seen him in that apartment since; not on so agreeable an occasion as a luncheon, but in any way?—I have seen him frequently come out of this entrance to which I went, as if he was coming from those premises; but I do not exactly recollect ever seeing him in the apartments.

2203. You have seen him coming in the direction immediately from the entrance through which you had gone?—Yes.

2204. Down to a recent period, I dare say?—Oh yes, lately.

2205. Passing from the house to the club-house?—Yes, quite so.

2206. Can you at all call to mind the last occasion you had seen him; down so recently as when have you seen him passing from that house to the club-house?—Within the last 12 months; I saw him more than once; but as to the exact time I cannot say.

2207. Those matters are not important when they happen; but down to a recent period have you seen him passing in that way?—I have.

2208. You have been asked whether you know of his occupying any other house in Athy-street, and you say you don't?—Yes.

2209. My friend has asked you also, whether he could well occupy any other house in Athy-street without your well knowing it, and I understand you to say you thought he could not?—Yes.

2210. Has anybody, to your knowledge, occupied this house of which you speak as having lunched in it, except Mr. Newton?—Oh, certainly not.

2211. I will follow my friend's phraseology: could anybody have occupied this house, to which you ascended by the door behind through the garden, and where you were entertained by Mr. Newton, without your knowing of it?—I should rather think not.

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2212. Have you any doubt of it?—I have no doubt if they were occupied by any one else I should have heard of it.

2213. You have been asked about being agent for Mr. Newton; did you act as agent for, I hardly know what party to call them, for one of the two parties in the registration courts at Carlow?—I have.

2214. You have done that for several years, have you?—Ever since and previous to the Reform Bill, for that town at sessions.

2215. That was what you meant by saying you had acted as agent to Mr. Newton?—And only so.

2216. You had no knowledge of his affairs as a solicitor, except from what you learnt at the time of the registration?—None whatever.

2217. And, as I understand you to say, there was not much dispute or question about his right to be put on the register?—Oh, it did not occupy three minutes.

2218. I believe objections are made pretty freely at Carlow, wherever there is any tangible ground of objection?—Always.

2219. On both sides?—On both sides.

2220. And it has been pretty well litigated?—Nothing can be more so, I think.

2221. Mr. Newton's politics were well known, of course?—Quite well known.

2222. Did you hear any objection raised to his right to be on the register?—None whatever.

2223. With respect to the registration, the process of registration is first to send in for the party claiming to be put on the register; to send in a notice of the claim?—And a notice to the clerk of the peace.

2224. Which is filled up with the premises in respect of which he claims to vote?—Yes.

2225. I ask you only whether, in filling in the affidavit of registration, of which so much has been said, you are in the habit of taking the direction of the premises from the notice of the claim?—Almost always.

2226. It is from the notice of the claim you derive your knowledge of what you fill into the register?—Almost always.

2227. Which will account for your not being particularly acquainted with the precise premises out of which the claim had originated?—Certainly.

2228. This claim was discussed, if it was discussed, and this registration took place, in the early part of 1835?—1834.

2229. It is January 1835?—January 1835.

2230. You have been asked whether you have seen Newton at Mr. Whitmore's; there seems some little doubt about Whitmore's place; what is it you, as a gentleman resident there, will be able to tell us?—It is a public hotel.

2231. Dignified by the name of club-house?—Dignified by the name of club-house.

2232. Do you happen to know whether the gentry, the neighbouring gentry of the town of Carlow, did, when that place was established, assist Mr. Whitmore, by contributing beds and pieces of furniture to the club-house?—I know it of my own knowledge.

2233. Probably you can tell us, of your own knowledge, whether or not the rooms in which those beds were placed have not retained, in many cases, the name of the person the donor of the bed, although they are occupied in common by any visitor of the hotel?—Indeed they have; there are several, four or five, specially named; so-and-so's room.

2234. Newton's room, Bagnal's room, Bruen's room?—Yes.

2235. I think you say this place was frequented by the gentry of the neighbourhood?—Entirely.

2236. And of the town itself?—Yes.

2237. You frequented it yourself, did you not?—Frequently.

2238. Probably, therefore, you have been frequently seen in and about Whitmore's club-house?—I am sure I have.

2239. By the witness who was called here, I dare say?—By many people.

2240. Yet I need hardly ask you if you don't occupy a house in the town of Carlow?—I do, adjoining the town.

2241. My friend has asked you about canvassing at the election; I believe you act as agent at the election?—I did.

2242. Without fee or reward for your services?—The last election?

2243. Yes.—Expressly provided; an express provision before.

Mr. Cockburn.—Is that in anticipation of an objection to his own vote?

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Mr. Wrangham submitted he had a right to put the question.

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2244. You are sure that there is no communication between the house of Mr. Pendred and this upper part, which is cut off, and has a separate outward entrance to the house of Mr. Pendred, or the shop and concerns of Mr. Pendred, below?—It is cut off by this door.

2245. Of which Mr. Newton keeps the key?—Yes, he did keep it.

2246. That is, when you saw the key in his possession?—I have not been there for the last year or so.

2247. So far as you know, the key remains in his possession still?—Oh, I believe it may.

2248. Do you know anything of its having passed into other hands?—Certainly not.

2249. The whole building is a very large place?—It is one of the largest houses in Carlow.

2250. Pendred's house, Bagnal's, and Newton's?—Yes.

2251. Now I ask you with respect to the whole place, what should you say would be the annual value, you as a man of business acquainted with that, taking the whole of this concern, the mansion as it originally stood, with the outhouses, gardens, and so on?—I know what the last tenant paid who had the whole; that was 60 *l.* a year.

2252. You know the nature of Mr. Newton's house, that part that he has?—I do.

2253. Can you tell the Committee what you think would be the fair rent which it would fetch in the market in the town of Carlow?—That house and the portion he holds and the garden would be worth 20 *l.* a year.

2254. (By Mr. Cockburn.) Who holds?—Mr. Newton.

2255. Then you have seen him acting as the owner of that house?—Oh, certainly, as the owner.

2256. As owner, not in the sense of proprietor or landlord, but as occupier?—Occupier.

2257. And I think you can almost undertake to say it has not passed out of his occupation; you have said you must have known it if it had passed into other hands?—I have no doubt on my mind the occupation of those premises is still in the occupation of Mr. Newton.

2258. Just as they were at the first time you have been speaking of?—Yes.

Re-examined by Mr. Cockburn.

2259. Give me leave to ask you what it is enables you to speak in that positive manner as to these premises, you not having been in them from August 1837?—From report and repute.

2260. You practise as a professional man and a lawyer?—Not as a lawyer.

2261. As a solicitor?—Yes.

2262. You don't call a solicitor a lawyer?—No, not in our country.

2263. Do you mean to say you do not perfectly well know report and repute are not evidence in matter of this kind?—I don't give it as such.

2264. I ask you whether you have been in the premises since August 1837?—Not in the apartments.

2265. Except then from this common gossip of the town of Carlow you have no means of knowing in the positive manner you have stated that these apartments are still in the occupation of Mr. Newton?—None, and I am quite sure, from the same gossip, if they did pass I would have heard; no one in the town would have heard it so soon.

2266. Do you know there is a communication between those apartments and the rest of the house occupied by Mr. Pendred?—I have already told you the communication is shut up by a door, which is locked.

2267. Was that capable of being opened?—All doors I believe are.

2268. I ask you whether Mr. Pendred might not have extended his occupation of the other part of the house to those apartments which form a part of the house, by means of that door being re-opened, without its having become matter of common gossip?—Indeed it might; I cannot know what goes on in the interior there.

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2269. If you cannot know what goes on in the interior of the house, allow me to ask you how you could take on yourself to swear positively that you had no doubt the occupation remains in Mr. Newton?—Because I am sure I should have heard it.

2270. Although you admit you might not have heard what took place in the interior of the house?—True; but I would have heard such a fact as that.

2271. You say it had a separate entrance?—Yes.

2272. From the yard?—Yes.

2273. What sort of door was it?—A small door, lock and key to it; leading from the club-house yard into the garden.

2274. What communication was there from the garden to these apartments?—A door; a kind of glass door on the first lobby, with stairs from the garden up; it was heretofore as a short access to the garden from the mansion-house.

2275. If I understand you, these stairs reached an elevation, which was above the shop?—Oh yes.

2276. If I understood you rightly, this apartment in which you lunched, and which was then occupied by Mr. Newton, was right over the shop?—I should think so.

2277. How many apartments were there?—I saw but two; I saw a door of another there; I was not inside.

2278. What sort of apartments were those two?—There was a very large drawing-room, and a small room off it.

2279. Were they furnished?—They were.

2280. Carpets?—Carpets, curtains, chairs, and sofa, I think; long tables there, laid out like most other rooms.

2281. You say the door was locked; the door was fastened between those apartments and those which Pendred occupied; how do you know that fact?—I saw the door shut.

2282. Did you see it locked?—I did.

2283. There is only one staircase in the interior part of the house?—Only one main staircase.

2284. You say the last time the tenant who occupied the whole paid 60 l. a year for it?—Yes.

2285. To whom?—To Mr. Best; I think it was on his death that the property became Mr. Newton's.

2286. How do you know that?—So I hear.

2287. You have heard that from Newton himself perhaps?—No, I did not; I think it was the tenant, Mr. Fitzmorris, the tenant, I heard it from.

2288. How long ago is it Mr. Best died, and the property devolved on Mr. Newton?—I think it was the year 1834, four or five years ago.

2289. Perhaps, as you have attended the registry, and filled up the affidavits, you can tell me whether that was the first affidavit you ever filled up for Mr. Newton in respect of premises at Carlow?—I can't say that.

2290. You attended the previous registry on that same side, as well as the registry in 1835?—Certainly.

2291. Try and carry your recollection back, and tell me whether you ever filled up any affidavit of register for Mr. Newton before that year?—I do not recollect ever filling any but the one.

2292. Now I ask you, carry your recollection back, and tell me whether you do not know that Mr. Pendred came into occupation of the part that he occupies after the time that you filled up the register for Mr. Newton?—After I filled up the register——

2293. The register in 1835 for Mr. Newton; I ask you whether it was not after that Mr. Pendred came into occupation of the part he now occupies?—I cannot say when Mr. Pendred came into occupation.

2294. Try; you were present at the registration of Mr. Pendred, were you not?—Oh, I was.

2295. Now, bearing in mind the registry of Mr. Pendred and ——, when you filled up the affidavit for Mr. Newton, try if you can't recollect whether Mr. Pendred had not come into occupation in the interval between those two registers?—Between which two registers?

2296. Between the register of Mr. Newton.—And Mr. Pendred?

2297. Yes.—I do not exactly recollect; but my opinion is it was.

2298. From the circumstances, and from your belief, to the best of your know-
ledge

ledge and belief, did not Mr. Pendred come into occupation of the part which he has since occupied between the registry of Mr. Newton and his, Mr. Pendred's, registry?—I cannot say to my knowledge; but my belief is —

2299. I will ask you this question then; did Mr. Pendred register for these premises in respect of which he is now registered previous to the register of 1835? I cannot say that.

2300. To the best of your belief, do you ever recollect any previous register of those premises?—I do not recollect, at this moment, Mr. Pendred's registering.

2301. I will show you the affidavit; perhaps, if you will look at the affidavit, it will bring it to your recollection; it is dated the 21st October 1835.

2302. (By the Committee.) Is Mr. Pendred's affidavit of the witness's filling up?—No.

Mr. Wrangham objected.

Mr. Cockburn stated he would withdraw the question.

2303. You say that within the last year you have seen Mr. Newton coming from the entrance walking to the club-house?—Yes.

2304. What entrance are you speaking of?—I mean his own entrance from the club-house yard into his own apartment.

2305. Into the garden?—Into the garden that leads to his own apartment.

2306. Where you have seen him coming from is the garden?—Yes.

2307. When is the last time you will undertake to say you saw Mr. Newton there?—Within the last 12 months; I think it was the last summer.

2308. How many times will you undertake to say you saw him at the last summer?—At the last summer assizes.

2309. On one occasion?—On the occasion of the assizes.

2310. Can you speak to having seen him come from that entrance any time at summer, except the assizes?—No, I think it was at the assize time.

2311. The only time you have seen him within the last 12 months was at the time of the assizes?—I think so.

2312. Have you seen him before the last 12 months; we have got it to once in the last 12 months; when have you seen him before the last assize in the last year?—I think almost at every assizes.

2313. That would carry us back to spring; that is, of the previous year?—At the last assizes I did not see him.

2314. You say in the summer assizes you saw him on one occasion coming out of that entrance; will you undertake to swear you saw him coming out of that entrance in the spring assizes?—No, I do not think I have.

2315. The spring assizes before last?—Yes, I know.

2316. We get rid of that one?—Yes.

2317. It was a very convenient mode of giving an answer; the summer assizes before that, will you undertake to swear you saw him?—Indeed I think I will.

2318. Will you swear it; I am speaking now not the last summer assizes, but the summer assizes twelvemonth?—Summer assizes 1837?

2319. Yes, summer assizes 1837; will you undertake to swear you saw him at the summer assizes 1837?—I say yes.

2320. Come out of that entrance?—Yes.

2321. Only once?—No; shortly after I did, because it was immediately after the assizes we had the election.

2322. Was that the time of the luncheon?—It was.

2323. Was it an election party lunching at the apartments?—No.

2324. How many of you?—Oh, I suppose 20 or 30 at a time.

2325. Was it an election luncheon, a party given to electioneering friends?—No, I do not think it was.

2326. How is it the election brings it to your memory?—I do not exactly understand what you mean by electioneering.

2327. You an old electioneerer, and tell me you do not understand what I mean by that?—I do not know what you mean by electioneering luncheon.

2328. A luncheon given to friends on an occasion of an election?—Given to his friends.

2329. Was it not given to his electioneering friends?—I do not understand what you mean by electioneering; they were voters some, and some not; they were his friends.

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2330. Were they all taking part in the election?—No, curiosity might have brought in a good many.

2331. To what; to the luncheon?—To the election.

2332. It was not curiosity that brought you?—No, it was my appetite.

2333. Are you perfectly sure that was not in 1836?—No.

2334. Perfectly sure it was not?—Yes, what I allude to now.

2335. I understand you to swear positively you were at a luncheon in the apartments at the election in 1837?—Yes.

2336. Did you, on any other occasion, ever see Mr. Newton in the apartment beside that once?—Yes, I think upon the previous election.

2337. When was that?—I think it was 1835; January 1835.

2338. Was there a luncheon then?—There was.

2339. When was the election before that?—We have had so many of them.

2340. Did you ever lunch with him before?—No, but I went up and saw the lunch; I had to go up and look for some person, and I was directed there.

2341. Those are the only two occasions, as I understand you, you ever were in the apartments?—I was only twice in them, and that was at the election.

2342. And you have seen him twice coming out of this entrance?—I have.

2343. Was there any communication, do you know, from the garden to the rest of the house beside to this apartment occupied by Mr. Newton?—I am not aware; I should think there was, and another gate.

2344. Communicating with the rest of the house?—Communicating with the yard.

2345. I do not quite understand the locality of the premises; this garden opens into the club-house yard?—Yes.

2346. That entrance of which you spoke, of which you saw him coming out, is an entrance communicating with the club-house yard from the garden?—Yes.

2347. That garden has another gate, which communicates with some other yard?—With one of the yards belonging to the house; I do not think there is any other communication direct with the house, save that one.

2348. The garden has a communication with the yard?—Yes.

2349. In the yard with which this gate forms a communication with the garden, is there a stable?—Stabling in the yard?

2350. Yes.—Yes, there is.

2351. (By the Committee.) The club-house stable?—No, the stabling belonging to the mansion-house.

2352. You know Mr. Pendred?—I do.

2353. I believe he is a warmish partisan in these matters; takes an active part in elections?—Yes.

2354. And on Mr. Bruen's side?—Yes.

2355. Takes a very active part in elections on Mr. Bruen's side?—Yes, so far as giving his vote.

2356. Perhaps further than giving a vote; you know what I mean, a man taking a warm part and gives a luncheon, a most disinterested mode of showing your zeal?—Mr. Newton gave the luncheon.

2357. Mr. Pendred has voted on that side?—Yes.

2358. Perhaps canvassed on that side?—I don't know.

2359. Is he here?—Yes.

2360. Here in the lobby?—Yes.

Examined by the Committee.

2361. Tell me on which side of the hotel Mr. Pendred's house is?—As you stand opposite, on the right.

2362. You stated you were present at the registration of Mr. Newton?—I was.

2363. And also at the registration of Pendred?—I am sure I was; I do not exactly recollect Mr. Pendred's registration.

2364. You mentioned when you had lunched with Mr. Newton, that there were two rooms?—Yes.

2365. One was a large drawing-room?—Yes.

2366. What was the other room?—A small room off it.

2367. Was it a bed-room; was there furniture in it?—No, I do not think it was the bed-room; his bed-room was opposite; there was a door shut on the opposite,

opposite, the other side, on the other side of the lobby was the bed-room, as I understood.

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2368. You mentioned Mr. Newton had the key of a door which communicated with Mr. Pendred's house?—Yes, which cut off the communication.

2369. How did you know Mr. Newton had the key?—I saw the key with him.

2370. (By Mr. Cockburn.) On what occasion?—On that occasion.

2371. (By Mr. Cockburn.) Of the lunch?—Yes.

2372. Were you ever in the house before this?—I was frequently in it when Mr. Fitzmorris formerly had the premises.

2373. Can you say what the house consisted of?—There was a study at one side.

2374. What was on the ground floor?—I am just mentioning a study and parlour, and a small room off the parlour. There were kitchens at the back of the study; a very extensive wine vaults underneath.

2375. Was there anything else on the ground floor?—Nothing else.

2376. What was there on the upper floor?—There were rooms over each of those; for instance, the drawing-room was over the parlour, the little room I have mentioned was over the small room off the parlour, and the bed-room over the study.

2377. Anything over those?—I believe there were garrets over those.

2378. When you saw Mr. Newton coming from the house a year ago, where did you see him?—I saw him coming out of this door leading from the club-house.

2379. Out of the house door?—Out of the garden door. He himself put the door there.

2380. (By Mr. Cockburn.) Did he put the garden door there before he let the premises to Pendred?—That I cannot say.

2381. (By Mr. Cockburn.) How do you know he put it there?—I saw his workmen put it.

2382. (By Mr. Cockburn.) How do you know it?—It was shortly after he got possession, after the death of Mr. Best.

2383. Were you ever in Mr. Pendred's show-rooms below?—Just merely walking in and out to see some furniture; he was an upholsterer.

2384. Which room does he apply as a furniture-room?—Both rooms; all the suite below for show-rooms.

2385. Consisting of what?—Of the parlour and study.

2386. And a room off the parlour?—Yes.

2387. What rooms are there over the kitchen?—I don't know.

2388. Are the kitchens built beyond the house?—Just adjoining it is a long passage.

2389. And have the kitchens rooms above?—Upon my word I cannot recollect that.

2390. Where does Mr. Pendred live?—He lives in the front house, the under part of the house.

2391. Does he live there?—He does.

2392. Where is the bed-room; do you know where his bed-room is?—No, I do not. I only know of the show-rooms.

2393-94. You have never been in any rooms up stairs from Mr. Pendred's shop?—Never.

[The Witness withdrew.

Mr. Cockburn was heard to sum up the evidence against the vote.

Mr. Wrangham was in part heard to support the vote.

[The Committee adjourned till Eleven o'clock To-morrow.

Mercurii, 8^o die Maii, 1839.

GEORGE GROTE, Esq., IN THE CHAIR.

The Names of the Members called over ;—All present.

Case upon the Vote of *Walter Newton* resumed.

Mr. *Wrangham* was heard in continuation in support of the vote.

The room was cleared.

The Committee deliberated.

The Counsel and agents were called in, and informed by the *Chairman* the Committee had resolved, "That the vote of *Walter Newton* is a good vote."

Mr. *Cockburn* stated they proposed to remove from the poll the vote of *William Robert Lecky*.

The vote stood 312 upon the poll ; described as having voted for a dwelling-house and premises. Qualification oath put to the voter ; vote objected to.

Mr. *A. J. Humphrey*, called in, sworn ; Examined by Mr. *Cockburn*.

Mr.
A. J. Humphrey.

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2395. DO you produce the affidavit of *Lecky*?—I do ; the affidavit of *William Robert Lecky*, Esq., of *Bridewell-lane*.

The affirmation of *William Robert Lecky*, Esq., was put in, dated 9th day of October 1837, describing the premises as dwelling-house and premises in *Bridewell-lane*.

John Kelly called, sworn ; and Examined by Mr. *Cockburn*.

John Kelly.

2396. DO you live at *Carlow*?—Yes.

2397. Where do you live at *Carlow*?—In *Bridewell-lane*.

2398. How long have you lived in *Bridewell-lane*?—Last November 12 months.

2399. November 1837?—November 1837.

2400. Who did you take that house of?—Mr. *Lecky*.

2401. Did he occupy that house before you?—It was occupied by a woman whom he told me was a servant of his.

2402. Did you take it of *Lecky* himself?—I took apartments in the house of Mr. *Lecky* himself.

2403. Did you afterwards take the house itself?—No, I did not.

2404. Will you just tell me, whatever you took, did you take it from *Lecky*—I took it from Mr. *Lecky*.

2405. Just tell us what agreement you and Mr. *Lecky* came to together?—

2406. (By Mr. *Thesiger*.) Was that agreement in writing?—No.

2407. Now tell us what agreement was come to between you and Mr. *Lecky*?—I was to pay him at the rate of 7*l.* a year for the apartments which I took from him.

2408. Now, what apartments did you take?—I took four rooms.

2409. What rooms were they?—The kitchen, and a room off the kitchen, that is used for a kitchen ; and a room up-stairs, and a bed-room off that.

2410. What other rooms were there in the house besides those you have told us of?—There was a parlour, and a room up-stairs was at that time occupied by a man who had fruit there.

2411. What was the man's name?—I don't know indeed.

2412. How long did that man continue to have his fruit there?—He might have been there for better than two months.

2413. What became of that room after the man went out?—It remained unoccupied for a length of time, and I then moved my own bed into it, and made it my own bed-room.

John Kelly.

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2414. What remained after that ; the parlour ?—The parlour.

2415. What was done with the parlour ?—I made use of it myself : this was after the servant-woman was turned out.

2416. When you went into the house was the servant-woman there ?—Yes.

2417. Whose servant-woman ?—Mr. Lecky's.

2418. Do I understand you, when you went to Mr. Lecky's, the servant-woman had the parlour ?—Mr. Lecky's servant had some of the apartments I took, and she was put out by Mr. Lecky for to give it up to me.

2419. When was she put out to give it to you ?—In about a fortnight or three weeks after I took the place.

2420. A fortnight or three weeks after you took the place, you had possession of the whole house ?—Yes.

2421. Now, when you went into the house, was leave asked of you for the woman to remain in those rooms until she could find a place ?—She asked me herself.

2422. At the end of a fortnight, in consequence of her not going, did you make any application to Mr. Lecky ?—I did.

2423. Did Mr. Lecky put her out ?—He did.

2424. Now, upon her going, if I understand you, you had possession of the whole house ?—I got the keys of the house.

2425. From whom ?—From his servant-woman.

2426. Have you kept the keys ever since ?—Yes.

2427. Now, in the agreement that you made with Mr. Lecky you say you were to pay 7*l.* a year ?—Yes.

2428. When was your rent to commence from ; from the time you went in. When was your rent to commence from ?—I commenced from the 24th of November 1837.

2429. Was that when you made your agreement, or was it afterwards ?—It was afterwards.

2430. I ask you, in your agreement when was your rent to commence from ?—We made no particular agreement as to that ; but I conceived myself—

Mr. Theisiger.—Do not state that.

2431–32. Have you paid any rent in respect of the time prior to the woman going out ?—I did not pay rent, to the best of my opinion, until after she left the house, or got out of the house.

2433. In calculating your rent, or the payment of it, you calculated from the time she went out, did you ?—Yes.

2434. And you said she went out in about a fortnight after you went into some of the apartments ?—Yes.

2435. Have you from that time to the present had the keys of the house ?—Yes.

2436. Have you had the occupation and use of all the rooms in the house ?—I have used them.

2437. You have used all the rooms ?—I have some of my own apartments that I took set to another at present.

2438. You have said that you took apartments ; was there any room which you did not take in that house ; any room which Mr. Lecky, as to which there was any agreement about between you and Mr. Lecky ?—That I should not take?

2439. Yes ?—There was.

2440. Which room was that ?—The parlour.

2441. Now what was said about that room by Mr. Lecky at the time of the agreement ?—He said he would reserve that room for himself, and the room over that which this apple-man had apples in ; he said he would reserve those two rooms.

2442. Did he say what he wanted to reserve those two rooms for ?—It was to vote.

2443. Now, when he went away, when you got possession, did he leave anything in either of those rooms ?—He did.

2444. What did he leave ?—In the parlour ?

2445. What ?—A carpet.

2446. What else ?—And six chairs.

2447. What sort of chairs ; in what place were they ?—Oh, yes, they were very bad old chairs.

2448. Was there anything else ?—A carpet.

John Kelly.

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2449. What is Mr. Lecky?—He is a gentleman farmer.

2450. Where does he live?—Ballinacary.

2451. How far is that from Carlow?—In or about two miles.

2452. Did he carry on any business in Carlow?—No.

2453. Has he, from the time you took the house and got the keys, has he, from that time to this, ever been in the house?—No, sir, until I got the summons to appear here.

2454. (By the *Committee*.) Never been in the house since you had the keys?—No.

2455. What did he come there for then?—He came there; I was absent at the time; he then came to me.

2456. Did he come to you anywhere else where you were?—Yes, he then came to the workshop to me.

2457. What took place at the workshop?—He brought a witness with him.

2458. Who was the witness, Mr. Griffin?—Yes.

2459. What is Mr. Griffin?—He is a sergeant on the Carlow militia staff.

2460. Is Colonel Bruen the colonel of that militia?—Yes.

2461. What did Mr. Lecky come to you about at the workshop?—He asked me was I coming over here to break his vote. Said he, "Kelly, I hear you are going over to break my vote;" I told him that I did not know, nor neither did I know what I was summoned for at the time. "Well," says he, "are you not my tenant?" "I am," said I. Said he, "Did you not pay me the rent?" "Yes," said I, "I understood so." Mind you, it was not I paid this rent; I will explain myself—

2462. Go on with the conversation?—He asked me, was I not a monthly lodger or a tenant?—I said I was.

2463. (By the *Committee*.) Monthly lodger or tenant?—Monthly lodger or tenant. "Is not my furniture there?" said he. "Certainly they are," said I. I believe that is all that passed, to the best of my opinion.

2464. You said, when you said Yes, you were his monthly tenant, what did you mean by that?—

Mr. *Thesiger* stated he should object to what the witness meant.

2465. Why did you say you were a monthly tenant?—

Mr. *Thesiger* objected.Mr. *Cockburn* stated they would not press the examination.2466. Were you, or were you not, a monthly lodger or tenant; I will ask you in another way: had you taken those apartments, which you speak of, by the month or by the year, or how?—It was not mentioned at that time when I took the apartment; it was at the rate of 7 *l.* a year.2467. Was anything said as to the period for which you were to occupy, or for which you were to be tenant or lodger, anything further except it was to be 7 *l.* a year?—Not until a long time after that Mr. Lecky called on me for rent.

2468. How soon was that after your going into the house?—I would suppose it to be three or four months; it might be five or six months.

2469. That he called on you for rent?—Yes.

2470. Was there half a year's rent due at that time?—I do not exactly know.

2471. On his calling on you for rent, did anything pass as to the term for which you were holding; the time?—I told him then that my employer owed me so much money, and as my employer was his landlord, that he could settle it in his rent.

2472. Was anything said besides that?—I don't recollect that there was.

2473. Was there any specific agreement ever come to between you and Mr. Lecky, as to your being to hold by the month or the year, or any period of time?—By the month, I understood.

2474. When?—At that time; he said at that time, to the best of my recollection, he said, "There is so much due, so much rent due, and is it convenient to let me have it?" "Well," said I, "Mr. Pendred is your landlord; you owe him so much; and then Mr. Pendred owed me a good deal more, and he will settle with you."

2475. What conversation took place then which led you to suppose you were a monthly lodger?—I think he asked me the question, and I am not sure; I think he

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he asked ; it is according to the complement of rent that was due ; but it is so long past I cannot tell exactly now.

2476. If I understand you right, when you made your original agreement, nothing was said about time, but you took at 7*l.* a year ?—At the rate of 7*l.* a year ; the word “rate” was in.

2477. You say, if I understand you, you had all the rooms in the house, except the parlour and the room up-stairs ?—Yes.

2478. Occupied by the man with the fruit ?—Yes.

2479. Now, did Mr. Lecky reserve that room occupied by the man with the fruit to himself also ?—Yes.

2480. As well as the parlour ; he said he should keep those two rooms ?—He said there were two rooms there that he would hold.

2481. Supposing you had taken the whole house of Mr. Lecky, what would you have given him for the whole house ?—

Mr. *Thesiger* objected.

Mr. *Cockburn* stated they were about to show that the voter had parted with such a part of his property as disqualified him.

Mr. *Thesiger* stated, he understood they were proceeding under class 2, which was a change of occupation.

Mr. *Cockburn* stated, this voter was objected to under class 2, and class 3, which was, that the voter had parted with a portion of his qualification, and that which remained was not sufficient.

Mr. *Thesiger* submitted that the usual course was to take the case on each head of objection separately ; but if the Committee wished it, they might proceed.

The *Chairman* stated that he thought that was the opinion of the Committee.

The voter was objected to in class No. 2, for that at the time of polling he had ceased to hold and occupy the premises in respect of which he had been registered, and for that his qualification as a registered voter did not continue at the time of the polling.

And the voter was objected to in class No. 3, for that at the time of polling he had ceased to hold and occupy part of the premises in respect of which he had been registered, the remainder not being of sufficient value to confer a vote, and for that his qualification as a registered voter did not continue at the time of polling.

2482. I was asking, in your opinion what would be the value to let off the parlour and the room occupied by the fruit-man ; what would you have given for the whole house, if you had taken it without the reservation of those two rooms ?—That is, for the whole house altogether ?

2483. Suppose, instead of taking the part you took and gave 7*l.* for it, you had taken in conjunction with that the parlour and room occupied by the fruit-man, what would you have given for the whole ?—I would give about 11*l.* a year for the whole.

2484. Then, I understand you, you value the two rooms which Mr. Lecky reserved to himself the right to occupy, you value those two rooms at 4*l.* a year ?—I value them at more ; when you take a house you expect to get it something less than when taking a part.

2485. What would you value the two rooms at yourself ?—About between 5*l.* and 6*l.* a year ; about 5*l.* a year.

2486. You told me Mr. Lecky has never, in point of fact, occupied those rooms ?—He has not been there from the time he put out the woman until after I was summoned.

2487. The woman was put out a fortnight after you took them ?—Yes.

2488. And you took them in November 1837 ?—Yes.

Cross-examined by Mr. Thesiger.

2489. You are a journeyman to Mr. Pendred ?—Yes, I am foreman.

2490. What are your wages ?—My wages are 1*l.* 4*s.* a week.

2491. At the time you took this apartment of Mr. Lecky was any other person present ?—No, sir.

2492. Are you quite sure of that ?—Quite sure.

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2493. Where was it that the conversation took place?—It was at his country house.

2494. You went out there, did you?—I went out there.

2495. And you are quite certain that during the time of your conversation no other person was present?—Unless there might be some one behind the door listening.

2496. I don't mean that; I mean somebody you saw present at the conversation?—No, sir.

2497. Did you propose to take these particular rooms which you afterwards took; you call the kitchen a room; you went for the purpose of taking those rooms in the house of Mr. Lecky?—I did not know at the time what apartments were to let in the house at the time.

2498. When you got to Mr. Lecky's did you hear there was the kitchen; what else did you see but the kitchen?—The kitchen and a room off the kitchen.

2499. What is the room off the kitchen?—It might be made a bed-room or a pantry.

2500. What is it made?—I have made a bed-room of it.

2501. When it is not a bed-room, what do you do with it?—Until very lately it has been a bed-room for my children.

2502. What sort of a room is it; is it a floored room?—Yes.

2503. What size is it?—Oh, it is small.

2504. That does not give me the least notion of the size of it. Is it a little closet off the kitchen?—I will just tell you now: it might be not more than about eight or nine feet square.

2505. Then you had a room up-stairs; you took a room up-stairs?—Two rooms.

2506. Were there two rooms, or was it a room and a closet?—A room and a closet.

2507. Why do you call them two rooms; were you not to pay 11 s. 8 d. a month?—Nothing about it at the time.

2508. When was anything said about paying 11 s. 8 d. a month?—At the time that I was—that was after the time that I was summoned here.

2509. After you were summoned here; take care?—I am sure.

2510. Do you mean to swear that nothing was said about your holding monthly, at 11 s. 8 d. per month, before you were summoned here?—What passed?

2511. Now answer that question, answer distinctly; do you mean to swear that nothing was said about your holding monthly, and at 11 s. 8 d. a month, before you were summoned here?—That did not pass from any one but from myself; I have made the calculation that it came to 11 s. 8 d. per month.

2512. Was anything said about that before you were summoned here?—I don't think there was.

2513. Why, upon your oath, now four or five months after you were in occupation of that apartment was it not told you you were holding monthly, and did not you make the calculation, you say 11 s. 8 d. a month, or was it not stated?—I recollect his coming with a witness to me, and asking for the rent, which I stated, and that he, Mr. Lecky, asked me for my rent.

2514. Did he not ask for your rent at 11 s. 8 d. a month?—No.

2515. How much rent did he ask for?—No particular sum.

2516. Did he ask for your rent, payable monthly?—Yes, he did.

2517. Did you, at that time, make any calculation as to what the amount of the monthly rent would be?—I told him at that time, to the best of my knowledge, how at such a time in the month that we were then in, so much rent would be due.

2518. At that period of the month what amount of rent did you tell him would be due at that period of the month?—I cannot exactly tell.

2519. As nearly as you can remember?—I cannot remember.

2520. You do not give yourself a fair chance; try again; was it at the rate of 11 s. 8 d. a month you calculated the amount of rent which then would be due at that period of the month to which you referred?—It was certainly at the rate of 11 s. 8 d. a month I made the calculation.

2521. At that period; four or five months after you had been in possession?—Four or five, or it might be six.

2522. Will you swear it was more than three?—I think it was more three.

2523. Will you swear it was more than three?—I am after telling you; I say I would not swear, but I think it was more than four.

2524. Will

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2524. Will you swear it was more than two months after?—I will swear it was more than two.

2525. You will swear it was more than two?—I will.

2526. You will not swear it was more than three?—I think it was more than four.

2527. You won't swear it?—When I cannot come to the exact time, I cannot positively swear to a week.

2528. How did you pay your rent?—I paid no rent until it amounted to one year.

2529. Who did you pay your rent to then?—My employer owed me at that time, I think, upwards of 10*l.*, and at that time I owed Mr. Lecky 7*l.*; Mr. Lecky owed my landlord 10*l.* rent, and then my landlord sent out a man that is here in town now with the receipt.

2530. I understand; Mr. Lecky owing rent to Mr. Pendred?—£. 10.

2531. And Mr. Pendred owing wages, or the amount of work to you?—Yes.

2532. It was agreed that the 7*l.* which was due from you to Mr. Lecky should be set off the rent which was due from Mr. Lecky to Mr. Pendred?—Yes, deducted from the 10*l.*

2533. And then, I believe, Brennan paid the difference between the 7*l.* and 10*l.* to Mr. Pendred?—I was not by.

2534. Did you at any time (follow me in the question I put to you); did you at any time agree with Mr. Lecky, or any other person, that you should take the room, the parlour, and the room above, in which the fruit had been kept?—No, I did not.

2535. How soon after you took possession did the man remove the fruit from the room above?—I think it might have been about two months.

2536. I thought you said a month?—About two months; I think it might be six weeks or two months, or it might be two months and a fortnight.

2537. How many doors were there to this house?—Do you mean room doors?

2538. No, I mean outer doors?—There is a back-door and a hall-door.

2539. Is there not a side-door?—Yes.

2540. Then there are three doors?—Not to that house; there is only the hall-door, and the back-door to that house.

2541. What is the side-door to?—The side-door is separate, set to another tenement altogether.

2542. Is it a door to the house?—No, to the yard.

2543. Can you go through that door to get into the house?—You can; but the owner of this—it is set in different tenements.

2544. Can you pass through that door which you say leads into the yard; can you get into the house through that door; were you present at the time of the agreement with these persons who you say occupy these different tenements?—I was not present at the agreement.

2545. How do you know it was set to them?—I went out with the rent receipts for Mr. Pendred.

2546. Mr. Lecky has nothing whatever to do with these tenements?—Nothing whatever.

2547. Now do you not know that Mr. Lecky retained the key of the door to let himself in?—I never heard that he did; nor if he retained a key of that door, of course when he might come to the door he would open the door himself.

2548. Do you mean, sir, on your oath, to swear that Mr. Lecky never came to that house after the month of November 1837?—Why, he might have come to the house; but this much I know, that he could not go inside of the door without my family or myself knowing of it.

2549. Were you at home; where were you working?—I was at Mr. Pendred's.

2550. You were working there the whole day?—Yes.

2551. Is your wife here?—She is in Carlow.

2552. She is not here?—Here in London?

2553. Yes?—No, she is not.

2554. What time did you go to work in the morning?—I went generally according to the seasons.

2555. You went in the morning to work?—Yes.

2556. And returned home in night?—Yes, often in the course of the day.

2557. For meals, perhaps?—Yes, very often.

2558. And then went back to your work?—Yes.

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2559. What distance is Pendred's house from these premises?—It is not more, I should think, than a quarter of a mile.

2560. You cannot see the house, I suppose, from Pendred's, can you?—No.

2561. They are at different ends of the town, the two houses?—Not exactly different ends.

2562. Not exactly at the same end?—No, they are not at the same end.

2563. Then if Lecky had come while you were absent, you say he may have let himself in?—If Lecky came there in my absence, I am confident that my mistress would tell me when I came home.

2564. You seem to have great confidence in your mistress?—I think I have reason.

2565. Now, what was there beside in that room, you say carpet and chairs; was there a sofa there?—No.

2566. No sofa?—No.

2567. What else was there?—Nothing else but fixtures.

2568. Was there a table?—No, sir; nothing belonging to Mr. Lecky.

2569. Was there a table there?—There was a table that I put in for my own use.

2570. You put a table in?—Yes, when I was setting the room.

2571. When you were setting what room?—Mr. Lecky's parlour.

2572. What do you mean by that?—I let it; I took in two lodgers.

2573. Upon your oath, when did you let that room?—It is better than a year ago.

2574. You let that room better than a year ago?—Yes.

2575. To whom did you let it?—To two young men who were in the employment I was in myself; I let it furnished.

2576. You let it furnished?—Yes.

2577. What right had you to let that room?—Why, as I was not visited by the person, I took it on myself for to let the room.

2578. As you were not visited, you took on yourself to let it to these persons?—Yes.

2579. How long did these persons remain in that room?—They remained about four or five months.

2580. What, did they sleep there, or what?—Yes.

2581. Both in the room?—Yes.

2582. Both in that room?—Yes.

2583. Where did you get the bed?—It was my own bed.

2584. Did you get a bed for them, or did you put your own bed?—I did get a bed for them, and on my own sofa bed they slept.

2585. How came you, as you were not visited, how came you not to allow these persons to continue sleeping there?—Allow them to continue there?

2586. Yes.—Because I did not wish to keep them any longer.

2587. And pray sir, just now give me leave to ask you, because this is very important, what rent did these gentlemen pay you?—They paid me 2 s. 6 d. a week for their lodgings.

2588. (By the *Committee*.) The two?—Yes.

2589. Why did you not think it right to go out to Mr. Lecky, as you had gone out to take the room; did you not think it right to go out to him to ask his permission to allow you to let those two persons in?—Oh, I did not mind the trouble.

2590. That is, you would not take the trouble, I suppose?—Yes.

2591. Did you give the 2 s. 6 d. a week to Mr. Lecky, or put it in your own pocket?—Why the furniture was my own.

2592. You did not put the furniture in your pocket; did you put the half-crown into your own pocket, or pay it to Mr. Lecky?—I do not exactly say I put the half-crown in my own pocket, but I dare say it went into my mistress's pocket.

2593. (By the *Committee*.) You did not hand it over to Mr. Lecky?—I never paid Mr. Lecky any money.

2594. (By the *Committee*.) Did your mistress pay it to Mr. Lecky?—No, sir.

2595. How came these young gentlemen on the sofa-bedstead to leave?—How came they there to live?

2596. Yes, if you wish that?—One of the young lads is Mr. Pendred's apprentice; Mr. Pendred asked him why he would not go when he was so tossed about.

2597. I

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2597. I do not want that ; my question is, how they came to leave this room ? To go ?

2598. To quit ?—Because I did not wish to keep them any longer, I told you before.

2599. How was it, did not your mistress like the half-crowns that were coming in every week ?—I was about leaving Mr. Pendred's employment at the time, and to return to Dublin, and then I told them, as I was about to leave Mr. Pendred, I told them that they should look out for a place.

2600. You thought, perhaps, at that time you might be visited ?—No, certainly not ; but I intended leaving Mr. Pendred.

2601. Mr. Lecky, you say, is a gentleman living in the neighbourhood ?—I believe it is about two miles.

2602. He is a country gentleman, is he not ?—Yes, he is a gentleman farmer ; such as we have in Ireland.

2603. Is not the furniture of which you have spoken, has it not been there to this very hour, or to the time you left Carlow, Lecky's furniture ?—Has it not been in that room ?

2604. Yes ?—No.

2605. Where is it ?—It is there now ; when Mr. Lecky came ; when he called as I told you, in my absence ; when he went there with Griffin.

2606. Has the carpet ever been removed ?—The carpet has been put down since ; when Mr. Lecky came there he desired it to be put down, and it was accordingly put ; it was an old thing I would not wish to put on my own room.

2607. Has it ever been out of that house ?—No, not to my knowledge.

2608. Has it ever been out of that room ?—Why, it was very often to be shaken.

2609. And when shaken, then brought back again ?—Yes.

Re-examined by Mr. Cockburn.

2610. About this carpet, do I understand you it was down in the room during the whole time you let it ?—Oh, not at all.

2611. Explain what you mean. Do you mean it was put down on the floor of the room the whole time, or not ?—It was not on the floor the whole time. The children, when they would be passing on the carpet, would fall if it was left down ; it was full of holes.

2612. It was not nailed down ?—No.

2613. Did you take it off at any time ?—I cannot exactly say that I myself took it off, but it was taken off, perhaps by my mistress, or perhaps by the little girl.

2614. Was it, in point of fact, taken off ?—It was taken off.

2615. By Mr. *Theriger*.] Did you see it taken off ?—I saw it off the floor of the room.

2616. Was the room without the carpet for a considerable time, or not ?—Oh yes, for a long time ; for months.

2617. And I think you say, when Mr. Lecky came back after you were summoned, he had it put down again ?—Yes.

2618. This parlour that you say Mr. Lecky reserved, had it any door leading out to the street ?—No, sir.

2619. Did it lead into the hall ?—Into the hall.

2620. And that hall to the street door ?—Yes.

2621. And you had the key of the street door ?—Yes ; there is no lock on the side door.

2622. Which do you call the side door ?—The parlour door, I suppose.

2623. Who had the key of the outer door of the house, had you ?—I had.

2624. Was there more than one outer door to the house ?—There is only one, and the back door, and one door to lead to the street.

2625. Who had the key of the back door ?—I have it, or it is in Carlow ; it is at my house with my mistress.

Examined by the Committee.

2626. What was the time at which you took these premises ?—It was in November 1837, but the date of the month I cannot tell.

2627. You are positive it was in the month of November 1837 ?—Yes.

2628. You stated Lecky's maid-servant left the house in which you lived about a fortnight after you entered ?—Yes.

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2629. And when she left the premises, then you had the entire possession of the premises?—Yes.

2630. You stated also, that the fruit-man—that there was a fruit-man who occupied a room up stairs?—Yes.

2631. And you stated that he lived there two months after you entered upon the premises?—Thereabouts.

2632. Then, how could you have at that time all the premises, if the fruit-man had a room in it?—The fruit-man had this room, but he only used to come there; he did not live in it; he only came there to take out apples to bring to market; he did not live in it.

2633. Then you had not possession of this room?—This room, there is no lock and key to it, nor no lock and key to any of the rooms, up to the time that I put one to it myself, with the exception of the hall door and back door.

2634. You stated also that Mr. Lecky, when he reserved two rooms in the house to himself; you stated his object was to vote, and he did so for the purpose of voting?—He said so.

2635. He told you so?—Yes.

2636. What, did you let that room, if it was Mr. Lecky's room; how could you think of letting it?—It was open, sir; it was open, and my employer, who is Mr. Lecky's landlord, recommended his apprentice to me, and I just placed him there.

2637. You placed him there of your own accord?—Yes; the door was open, and there was no key or lock to it.

2638. (By Mr. *Thesiger*.) Who paid the taxes of this house?—I don't know; I have paid no taxes.

2639. (By Mr. *Cockburn*.) Has there been any demand on you for the county cess?—Not on me.

2640. (By Mr. *Thesiger*.) Do you know who paid it?—No, I did not see it paid.

2641. Do you know who paid it?—No, I do not know who paid it, not seeing it paid. It might have been paid. If I go to say that, then I would suppose it to be Mr. Lecky. I would suppose it to be so; but I cannot positively say.

2642. You do not know, of your own knowledge, who paid it?—No; but I have been told since I came here who paid.

2643. You stated that you gave notice to those two young men to quit your premises, you, at the time, having some idea of leaving your employer, Mr. Pendred?—Yes.

2644. Did Mr. Lecky ever find fault with you for letting that room to those young men?—I don't think he ever knew it.

2645. He never blamed you for doing so?—Never; never; he was not there; he never came there.

2646. Did he know that you let them?—I think not.

2647. He never spoke to you on the subject?—Never.

2648. Or your wife?—Never, to my knowledge.

[The Witness withdrew.]

Mr. *Cockburn* was heard against the vote, and to contend that the Irish Reform Act requiring an actual occupation, this was clearly a bad vote, inasmuch as there had been no occupation, inhabiting, or dwelling of the voter; and that it was clear the voter had parted with so much of his house for which he registered, as not to leave him in the possession of a house of 10 *l.* value. The learned counsel referred to the case of the King and St. Nicholas, Rochester, 5th Barnewall and Adolphus, and quoted Rogers' Law of Elections, page 156, 157, and 158.

Mr. *Thesiger* was heard to support the vote, and contended that there was no substantial difference between the English and Irish Reform Acts, in reference to the nature of the occupation. The distinction drawn in the Acts was between the requisites for registration (which was the actual occupation) and what was required after registration and before the time of polling, and for which actual occupation was not required. Section 5 of the Irish Reform Act is, that all persons who shall "hold and occupy" within such city or town as tenant or owner of any house, &c. of not less than 10 *l.* shall, if duly registered, be entitled to vote; and it is only for the purpose of registration that it is required the party should swear he has

been in the actual occupation, and has no reference to anything done after the period of registration. The learned Counsel referred to Allcock's Register Cases. Dugenan's case, which was a case where the owner of the house let part in lodgings and retained the residue for his own exclusive use; but the part retained by the owner was not of the clear yearly value of 10 *l.*, it was held by 11 Judges against one, that the owner was entitled to register as a householder.

Mr. Cockburn was heard to comment on the case of Dugenan, quoted by Mr. Thesiger.

The room was cleared.

The Committee deliberated.

Counsel and agents were called in and informed by the Chairman, that the Committee had resolved, "That the vote of William Robert Lecky was a bad vote, and that it be struck off the poll."

[The Committee adjourned to To-morrow, at Eleven o'clock.

Jovis, 9^o die Maii, 1839.

GEORGE GROTE, Esq., IN THE CHAIR.

Mr. Cockburn proposed to proceed to remove from the poll the vote of Thomas Coleman.

The voter stood on the poll number 226, described as of Barrack-street; dwelling-house and premises, 10 *l.* value.

Bribery and qualification oaths put to the voter.

Mr. Humfrey, sworn, produced the affidavit of the voter.

The date of the register was the 29th of October 1832, the voter described as registering for dwelling-house and premises, Barrack-street, marble sawyer.

Objected to under Class 2, on the ground of change of occupation since the registration; also objected to under Class 3, on the ground of having lost such part of his qualification as reduced his occupation to less than a 10 *l.* value.

Patrick Bolger, called in and sworn; Examined by Mr. Cockburn.

2649. YOU live at Carlow?—Yes, I do.

2650. Do you know Thomas Coleman?—I do.

2651. Do you remember his being registered in 1832?—I do.

2652. Were you present at the registration when he made his affidavit?—I was.

2653. I see he is registered for a house in Barrack-street?—House and premises and garden.

2654. House and premises, Barrack-street?—Yes.

2655. What did the house and premises consist of; have you known the house and premises yourself for some time?—Many years.

2656. Has he lived there long?—Yes; his father lived there before him.

2657. What does the house and premises consist of?—The dwelling-house.

2658. You say he had lived there for some time, and his father before him?—Yes.

2659. What did the house and premises he occupied then consist of; I do not mean of what apartments; what did he occupy in Barrack-street?—There was a house and yard to the rear, and a large garden; two gardens to the rear.

2660. At the registration in 1832, when he registered, was he objected to?—He was objected to by the opposite party.

2661. When you say the opposite party, you mean the party in whose interest Mr. Bruen now stands; the Conservative party?—Yes.

2662. Did you attend Mr. Bolger to support his vote; were you called as a witness?—I did not attend there for the purpose of supporting his vote, but I was

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in the court-house when his case came under consideration, and he called on me to give my evidence in support of his application.

2663. Was the question on which you were examined the value of the premises?—Yes.

2664. And I take it the objection was as to value?—As to value.

2665. Did you give your evidence as to the value of the premises?—I did.

2666. State to us now what, in your opinion, was the value of the house and the premises, including the gardens that you have spoken of; the house and the premises, including the gardens, that you have spoken of?—To the best of my recollection, the value I set upon them—

2667. What, to your knowledge, is the value now?—

The Chairman: Do you speak of the value then or now?

Mr. Cockburn: The value then.

2668. I am now asking what, in your opinion, was the value of the whole premises, including the gardens?—£. 12; 11 *l.* or 12 *l.*

2669. (By the *Committee.*) The value now?—£. 12 was decidedly the value; the outside.

Mr. Cockburn: He is speaking of the value of the whole premises.

The Witness: Yes.

2670. Has there been any alteration with respect to the value; do you estimate them at the same value now you did then?—Do you mean the entire premises?

2671. Yes.—I think they are about the same value.

2672. You gave your evidence; upon your evidence was his vote sustained?—It was; he was registered.

2673. Since that registration has he parted, to your knowledge, with any part of the premises which he occupied at the time of registration?—About three years ago I had a casual conversation with him, and he brought me into his garden, and he showed me a long strip of garden; said he, “All this has been taken from me and given to a man of the name of Larry Ivers.”

2674. What portion of garden was it he pointed out to you as having been taken away from him and given to Ivers?—It was to the rear of a plot which Coleman held in Staplestown-road, but joining his premises in Barrack-street.

2675. In point of extent, what portion had been taken away; a third or a half, or what?—I conceive there was something about half an acre.

2676. Was it the whole garden, or part of the garden?—The entire garden, so far as that portion which he held under a separate lease, from what he held in Barrack-street; that was taken away.

2677. Was that the larger garden of the two?—Yes.

2678. You say it was about half an acre?—According to my estimation of it; I was in the garden very often, and I think there was about half an acre.

2679. Do you know whether Ivers has been in occupation of that garden since?—Oh yes, I do.

2680. Have you seen Ivers in the garden?—No; I have not seen Ivers in the garden.

2681. How do you know he has occupied it?—Coleman brought me into the place, and showed me the part he had been dispossessed of, and I also had a conversation with Ivers himself.

2682. Was Coleman present?—No.

2683. Where was Ivers, you had conversation with him?—I saw him this morning.

2684. Did you take that garden which he told you he was dispossessed of, and showed you on this occasion, into your estimate of value, when you valued the whole at 11 *l.*?—I did.

2685. What in your opinion is the value of that garden to let by the year?—I think it would set for 5 *l.* a year.

2686. (By the *Committee.*) The piece of garden which was taken away from Coleman?—Yes.

2687. The entire garden?—Yes.

2688. (By the *Committee.*) When the witness speaks of 5 *l.* a year, he speaks of that piece that was taken away from Coleman?—Yes.

2689. (By the *Committee.*) Do you mean to say half an acre is worth 5 *l.* a year?—It is, in the town, and for a garden; I do not mean for the purpose of general agriculture;

agriculture; it was in the town; the culture of vegetables; it would be as valuable as 5 *l*.

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2690. You estimated it at 5 *l*.?—Yes.

2691. In your estimate, when you stated the whole was worth 11 *l*.?—Yes.

2692. I will just ask you, for form sake, at what do you estimate, part of the house and premises, the house and garden which he still retains?—He has no portion of the garden; he has set the other garden since.

2693. To whom has he set the other garden?—To a Mrs. Welch.

2694. Do you know that from himself?—No, I do not; I know that he has built up a wall separating his yard from the garden, and what I have been generally told on the subject.

2695. Have you seen Mrs. Welch upon the garden?—I saw some of her family.

2696. Saw some of the family in the garden?—Yes.

2697. It has been separated from his premises?—Separated by a wall.

2698. Does she live adjoining?—Adjoining Coleman's wholly.

2699. And you know the locality?—Yes.

2700. And you know there has been a wall built between the two?—Yes.

2701. And you have seen her family in the garden?—Yes.

2702. What did you see them doing there?—I did not take any particular notice; I believe they were doing something about the ground.

2703. Have you seen anybody at work in the garden?—No; I rather think I did not.

2704. At what do you estimate the house which he occupies?—Am I to take into consideration his yard and premises in his possession?

2705. Yes, certainly, the house and yard?—6 *l*.; about 6 *l*.

2706. What sort of a house?—It is a thatched cabin.

2707. How many stories?—Only the one floor, except the thing which is not used except for lumber.

2708. No window above?—No.

2709. How many rooms on the ground floor?—There is a kitchen, what he calls a parlour, and two small rooms, little things: in fact it was a small room divided into two.

2710. You are acquainted with the value of house property in Carlow?—I am.

2711. You have lived a long while in Carlow?—I have.

2712. Do I understand you, from your knowledge of the local value of house property in Carlow, you say that is worth 6 *l*. a year, and no more?—Pounds or guineas, certainly not more.

2713. This other garden you say he has set to Mrs. Welch, what do you estimate that at?—About a pound; it is a small garden.

Cross-examined by Mr. *Wrangham*.

2714. You have lived a long time in Carlow you say?—Yes.

2715. Pray what occupation do you follow in Carlow?—I have a printing establishment in Carlow.

2716. What do you print principally?—I am proprietor of a paper.

2717. A party newspaper, ain't yours?—Yes.

2718. I need not ask in which party?—Oh no, the Reform party.

2719. Not Mr. Bruen's party?—Decidedly not.

2720. You edit the paper as well as print it?—I do, sir.

2721. You are the editor of a paper in the interest of that party to which the voter belonged in 1832, when you were his witness at the registration, is it not?—I was always the same party.

2722. Is not that the party to which Mr. Coleman belonged in 1832?—Do you mean at the registry, or at the election?

2723. At the registry when you were his witness?—Why, we considered him as a liberal.

2724. And then you were his witness?—Yes; being there casually.

2725. You do not consider him a liberal now?—Why, really I do not consider him anything now.

2726. And you are no longer his witness?—No.

2727. Pray was this vote very much contested at the registry?—I think it was opposed; decidedly opposed.

2728. A good deal, was it not?—I would not undertake to say there was much opposition.

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2729. Were there many witnesses examined?—I cannot say.
 2730. Were there more than yourself examined?—I cannot recollect.
 2731. Were you present?—I was.
 2732. You cannot tell the Committee whether there were any other witnesses examined than yourself?—I cannot; it was a circumstance that I had no reason for particularly recollecting; that is, the examination of any other witness.
 2733. You were present at the time during the whole progress of the cause?—I think I was.
 2734. Have you any doubt of it?—No, I have no doubt.
 2735. That you were there the whole time?—I rather think I was.
 2736. You said just now you had no doubt; have you a doubt, or not, you were there the whole time?—I have no doubt but I was.
 2737. And you can't tell this Committee whether there were more than yourself examined?—I do not recollect that there were.

Re-examined by Mr. Cockburn.

2738. I think I understood you, you were present accidentally in court?—Yes.
 2739. Did the man call on you to support his vote?—Yes.
 2740. Whether any one else was examined you do not recollect?—I do not recollect.
 2741. Do I understand you to speak positively and distinctly to this, that in supporting the vote, and in forming your estimate of the value to support that vote, you included this garden when you said it was worth 10 l. a year?—I decidedly did.
 2742. The two gardens I mean?—I decidedly did.
 2743. What time was that wall built; the wall which you say went between his premises and the garden, that you say is set to Mrs. Welch?—I cannot say.
 2744. About how long; is it since the time of the registration?—Oh, yes; oh, yes.
 2745. Within the last two or three years?—Within the last two years I should imagine; within the last two or three years, to the best of my knowledge, built; I cannot speak positively as to the fact.

Mr. Austin.—We propose to put in a list of objections, put in by Mr. Bate, as the agent for Mr. Bruen, the then petitioner on the trial of the last contested election two years ago, in which Coleman was objected to by him under the head of want of value in 1837.

Mr. Wrangham was heard to object, a matter *res inter alia acta*.

Mr. Austin proposed to postpone the argument for the present, and to take the examination of the witness.

Mr. Wrangham submitted the Committee should decide at once whether the paper was admissible or not.

The Chairman stated Mr. Wrangham had a right to press for a decision.

Mr. Austin stated he should withdraw the paper.

Robert Brown, called in, sworn, Examined by Mr. Austin.

Robert Brown.

2746. ARE you the agent of Mr. Brown, the landlord of Coleman?—I am.
 2747. Of that occupation in Barrack-street?—He had two premises under Mr. Brown, one in Barrack-street, and the other in Staplestown-road; they were two distinct places.
 2748. (By the Committee.) Two distinct leases?—Two distinct leases, or two distinct places.
 2749. There was a house, was there not?—There were houses on both plots.
 2750. Is Staplestown-road close to Barrack-street?—It is the street adjoining.
 2751. There was a dwelling-house in Barrack-street?—Yes.
 2752. Do you know one Larry Ivers?—Yes.
 2753. Is Larry Ivers in possession of part of the garden?—Not that I am aware of; I may be allowed to explain; Larry Ivers is in possession of the plot belonging to the Staplestown-road plot, of which an ejectment was served on him, which Coleman was ejected out of for non-payment of rent.
 2754. Do you know Mrs. Welch?—I do.
 2755. When did that take place?—The ejectment?
 2756. Yes.—I believe it was in 1832; I believe so; something about that period; I am not certain as to the time; I believe it was then.

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2757. Do you know Mrs. Welch?—I do.

2758. Is she in possession of the garden?—No.

2759. Of the second garden, behind the Barrack-street house?—No; there is very little yard or garden attached to Barrack-street plot; the garden originally belonged to the Staplestown-road plot.

2760. Then the house was in Barrack-street?—Houses; Mrs. Welch holds one house, and Coleman resides in the other.

2761. You mean the houses belonging to Mr. Brown?—Yes.

2762. The garden belonging to Coleman's house was in the Staplestown-road?—Yes; he held the garden of the other premises, which he set, independent of the garden, to tenants, and he kept the Staplestown-road garden.

2763. (By the Committee.) Then they are connected at the back?—They are.

2764. That is to say, they were?—They were.

2765. When they were held together with the house?—Yes.

2766. Is Larry Ivers in possession of the garden now?—I believe he is.

2767. He pays rent for it, does he not?—Yes.

2768. Does he pay the rent to you?—Yes.

2769. How long has he paid rent to you for the garden?—I suppose two or three years; I cannot immediately recollect.

2770. He went in about two or three years ago, did he not?—I think so.

2771. If I understood you, Coleman has now only possession of the house, and a bit of yard behind it?—I believe that is all.

2772. And he has ceased for two or three years to have possession of the garden?—I think he has.

2773. What is the value of the house?—Of Coleman's house?

2774. Yes.—I declare I cannot rightly say; I should suppose if the house itself were to set now, it would not set for more than 6 *l.* or 7 *l.* a year.

2775. That you think would be a fair rent for the house?—If it were out of lease to-morrow, I do not think I would expect more for it.

2776. That is, for the present occupation of Coleman, I understand you to say, without the garden?—Yes.

2777. I believe you are a friend of Mr. Bruen's, are you not? You vote for Mr. Bruen?—I did vote for Mr. Bruen.

Cross-examined by Mr. *Wrangham*.

2778. You are speaking as the agent of the landlord, of Mr. Brown?—I am.

2779. Speaking of what this house would let for, you mean if the landlord had to let it?—Yes, if it were out of lease to-morrow I would not expect more for it than that.

2780. As the agent of the landlord?—Yes.

2781. These people are in the habit of getting a little more when they let to each other than when the landlord lets?—Generally they are.

2782. They get a considerable increase on the landlord's rent, as between man and man?—I believe they generally get set for more than the landlord would expect to get.

2783. As I understand you, I think that the house and premises in Barrack-street was a separate plot from the garden land in Staplestown-road?—They were under two distinct leases.

2784. They were taken under two distinct leases?—But the two premises connected in the rear. I think they connected in the rear.

2785. Do you remember when he took the second premises?—It is a long time.

2786. You do not remember whether it existed as a connexion then, or whether he had made the connexion when he took the second premises?—I cannot state that; I suppose it is above 40 years ago made.

2787. Staplestown-road is quite distinct from Barrack-street?—It is the street adjoining.

2788. But quite separate from it?—It is.

2789. If you were to describe this garden, you would not describe it as premises in Barrack-street, would you?—No, I would not.

2790. Nor would you, as a description of house and premises in Barrack-street, understand the garden in Staplestown-road?—No, I would not. If they did not connect, they were very near each other; but I cannot say whether they did or not. I was not told whether I should be examined on this, and I was not quite prepared.

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2791. Has Mr. Brown a good deal of property, your employer?—Yes.
2792. A good deal of land?—He has all that about that neighbourhood.
2793. Does he let his land tolerably cheap?—He lets it for a very fair value; most of it is on old leases.
2794. Do you mean a reasonable value, or that he rack-rents it very high?—No, reasonable value; I think a fair value he sets it at.
2795. With respect to this garden in the Staplestown-road, how much is there of it?—Indeed I cannot exactly say that.
2796. You know it pretty well; you are familiar with the premises?—I am familiar with the front of the premises; but into the rear I seldom or ever go.
2797. Can you tell us what it was set for?—The garden?
2798. Yes, the garden?—The garden and premises, as Mr. Brown set it formerly, I believe, was set—
2799. I do not know what you mean by the premises?—The house in front of that garden on the Staplestown-road.
2800. Were there houses there too?—There were houses.
2801. Who were the tenants of those houses?—Coleman's grandmother was; had a lease from Mr. Brown of it; and Coleman set it again.
2802. He was Mr. Brown's tenant of the houses as well as the garden?—Yes, on a distinct lease.
2803. Those were houses in Staplestown-road?—They were.
2804. That garden forming part of it?—Yes, that garden went to the rear of them.
2805. And that was in one take?—Yes, they were the Barrack-street property, a distinct take.
2806. You cannot tell us what the garden set for, for the houses were included?—They were.
2807. Can you tell us what would be the fair rent for that garden apart from the houses altogether?—I declare I cannot say; I cannot say exactly, but I suppose it would set up there for very probably 2*l.* a year.
2808. (By the *Committee*.) The garden at Staplestown-road?—Yes.
2809. (By the *Committee*.) Larry Ivers's garden?—Yes.
2810. That would set for 2*l.* a year?—Yes, I think so. I know if the landlord had it on his hands I would not ask more for it; but it did go in connexion with the houses; we set it to Larry Ivers.

Re-examined by Mr. *Austin*.

2811. Coleman's house in Barrack-street has a yard behind it?—I think it has.
2812. There is also a garden belonging to the widow Welch's present house?—There is a small yard; they two makes about the Barrack-street plot.
2813. There was a yard belonging to the widow Welch's house?—Yes.
2814. The widow Welch's house and Coleman's house, and the two yards, formed one plot of building, a sort of square or oblong plot?—Oblong.
2815. Behind widow Welch's garden was there not another garden, or rather, is there not another garden?—There is a small garden comes partly in the rear of Coleman's house, but not of the widow Welch, belonging to one M'Guinness, and then at the other side of that comes Larry Ivers's own garden, and a little above is the plot on which Coleman's ejectment was served.
2816. Is there not a garden going on the other side; is there not a garden behind the widow Welch's house and garden?—There is.
2817. Was not that in the letting to Coleman originally?—No; but half a house in Barrack-street was.
2818. Part of the house in Barrack-street was; was there not part of the garden that went with part of the widow's house?—Not that I recollect; the lease does not say a word of it; the lease distinctly says—
2819. As I understand you, Coleman had that house and the yard behind his house, and half the widow's house?—No, not half the widow's house; no, the half house is a distinct thing from the widow's house. It is below the widow's house.
2820. There is Coleman's house, the widow's house, and this portion?—Yes; half the house; that constitutes the plot in the lease. It is half the house adjoining the widow Welch's house that is in Coleman's present lease.
2821. It is very difficult to follow this without a plan, Mr. Brown; carry back your recollection to this; was there not a part of the garden which you have described

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described as abutting on Staplestown-road; was there not part of that garden, or the entire of it, held with the house in Barrack-street?—I believe it was originally; the Staplestown-road garden.

2822. And that garden, I think you say, was severed from his occupation about three years ago?—I cannot say the time; whatever time Larry Ivers took the half, the ejectment was served just before that.

2823. He has paid you three years' rent?—Yes.

2824. You do not recollect whether a portion of the widow Welch's garden belonged to him or not at that time?—I do not think the widow Welch has a garden; I think it is a yard she has. If they had apprized me of what they were going to examine me upon, I should have been prepared.

Cross-examined by Mr. *Wrangham*.

2825. You know the Staplestown garden was originally held, you think, with the Barrack-street house?—I do.

2826. When you say originally, how long ago do you mean it was that that garden was connected with the Barrack-street house?—Previous to the ejectment being served on Coleman.

2827. I understood you to say that Coleman took the houses in Staplestown-road with the garden in the Staplestown-road?—That is, his grandmother did.

2828. Forty years ago?—I think it is above 40 years.

2829. That contained both the gardens and house in Staplestown-road, to be held under that 40 years' old lease until the ejectment was served upon Coleman?—They did.

2830. Coleman held under a different lease, or under a different take, the house in Barrack-street, and the garden annexed to that house?—He did; but I am not aware, as I said before, that there was a garden to the Barrack-street house.

2831. Then you say at the same time Coleman sublet the house in Staplestown-road, retaining occupation of the garden in Staplestown-road?—Yes.

2832. Do you know how long that was?—Until the ejectment was served he held the garden.

2833. When did he sublet the house?—A long time ago.

2834. Ten years ago?—More than that.

2835. Then he continued to occupy the garden in Staplestown-road, and he continued to occupy the house in Barrack-street?—Yes.

2836. The house and premises in Barrack-street?—Yes.

2837. Is that what you meant when you told my friend that the house in Barrack-street was held by Coleman with the garden in Staplestown-road; is that what you meant when you told the Committee the garden in Staplestown-road was held by Coleman with the house in Barrack-street?—He held the garden while he occupied the house in Barrack-street.

2838. But not under the same take at all?—No, I never considered the garden belonging to Barrack-street at all.

2839. (By Mr. *Austin*.) He held them at the same time?—Yes.

Examined by the Committee.

2840. When was this ejectment served upon Coleman; can you recollect the date?—I believe, as well as I can recollect, it was in the year 1832; I believe so; I am not certain.

2841. Were you concerned?—I was agent at the time.

2842. Do you recollect at what period of the year 1832?—I believe in January; I think it was in January, but I am sorry to be so deficient; if I had been told what I should be examined upon I should be better prepared.

2843. (By Mr. *Austin* through the Committee.) At what time was Coleman turned out under the process of ejectment?—I think in January; we immediately took possession; he was not able to redeem.

2844. In 1832?—Immediately after we got the warrant. I cannot recollect exactly; we got possession immediately.

2845. Immediately after the ejectment was served, Coleman was turned out of possession of the garden?—After we obtained the decree; after it was served; it was served 30 days.

2846. There was an interval of 30 days between the service of the ejectment and turning him out?—Yes.

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2847. When the ejectment was served on Coleman, did he pay rent for the other part of his tenancy, and not pay rent for his garden?—He did; he paid the rent for Barrack-street, but did not pay for the garden at all. And Mr. Brown forgave him the arrears and the costs.

2848. (By Mr. Cockburn through the Committee.) How soon after Coleman went out, upon the ejectment, was it that Ivers was put in possession?—Within the same year.

2849. The whole of these premises for which this person is registered consists of Coleman's house, the house which he has sublet, and half another house?—Yes.

2850. And those are all in the lease?—Yes.

2851. What is the value of all that is in that lease?—

2852-3. What should you consider the rent of the whole?—The whole three premises would be worth 10 *l.* or 12 *l.* a year, if they were all out at lease now.

The short-hand writer read the following question and answer:—
“The whole of these premises for which this person is registered consists of Coleman's house, and the house which he has sublet, and half another house?—Yes.”

(The *Witness*.) I understood the Honourable Member to ask me whether those three premises were contained in the lease.

2854. Do you mean to say the voter is registered for all those three premises?—I do not know for what it is the voter is registered.

2855. You do not know for what he is registered?—All I know is for the Barrack-street.

2856. You mentioned that Coleman's house in Barrack-street would perhaps let for 6 *l.* or 7 *l.* a year, if it was out of lease?—Yes, the one he occupies himself.

2857. The landlord would get that?—Yes.

2858. You mention, when poor people underlet their premises they generally get a higher rent than the landlord?—They do.

2859. If Coleman was to let these premises, what do you think would be the highest rent he could get from them?—I dare say he would get from 8 *l.* to 10 *l.* a year for it.

2860. Do you think he could get 10 *l.* for it?—Yes, I think he might.

2861. Is that the most?—Yes, from 8 *l.* to 10 *l.*

2862. (By Mr. Austin.) What would be a fair rent in the market for that house, if it was now to let?—I think 6 *l.* or 7 *l.* a year.

2863. You have already said the landlord could not get more, and what a solvent tenant could pay?—Yes, I think so.

2864. £. 6 or 7 *l.* a year, and not 10 *l.*?—Yes.

2865. You think a solvent tenant could not afford to pay more than 6 *l.* or 7 *l.* a year?—I think that would be the value for it.

2866. And if he paid 8 *l.* or 10 *l.* it would be extortionate?—I think it would be a high rent.

2867. Could a solvent tenant afford to pay 10 *l.* for this house?—I don't understand that.

2868. Could a solvent tenant afford to pay 10 *l.* a year for this house?—A rich man might pay it.

2869. Is this house of Welch's taken off the house of Coleman's at all?—Welch's house adjoining; not a part of Coleman's.

2870. A separate house?—A separate house.

2871. Do you know how long the widow Welch has been living there?—She was living there before he was ejected out of the other premises.

2872. If you wanted a house, would you give 10 *l.* for it?—I would not.

[The *Witness* withdrew.]

Lawrence Ivers, called in, sworn, and Examined by Mr. Austin.

Lawrence Ivers.

2873. HAVE you got a garden in Carlow?—I have.

2874. Was that formerly in the occupation of one Coleman?—It was.

2875. Is it in your occupation now?—It is.

2876. When

2876. When did you go into the occupation of it?—I think it was the 21st of March 1835.

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Cross-examined by Mr. *Wrangham*.

2877. Do you hold it under a lease?—No, I have got no lease as yet.

2878. Do you hold any houses with it?—Yes.

2879. In Staplestown-road?—There were two leases.

2880. I ask you about houses; don't talk about leases; do you hold any houses in Staplestown-road along with this garden?—I do.

2881. From the same landlord?—From the same landlord; Captain Brown is the landlord.

2882. Are you registered out of those houses and that garden as a voter?—No, Sir, I am not; it is upon another.

2883. You are a voter, I believe?—Yes.

2884. (By Mr. *Austin*.) Voted for Mr. Bruen?—For Mr. Francis Bruen.

2885. At this last election?—Yes.

2886. Did you take the garden separately?—No, Sir, I did not; there is a whole plot of ground in Staplestown-road.

2887. That is a separate and distinct plot of itself, is it Larry?—It was formerly held by Coleman's grandmother; and he came into possession of it, I suppose, by the grandmother.

2888. The garden was held by Coleman's grandmother?—Yes.

2889. And he came into possession?—Yes.

2890. What I was asking you was, whether it was a distinct and separate plot, the garden and the houses in Staplestown-road; the garden and houses, are they not one plot, the houses and garden in Staplestown-road?—They are.

2891. And as such you took them?—Yes, from Captain Brown.

2892. Can you tell us what, in your judgment, the value of the garden is by itself, putting the house out of the question, and thinking only of the garden; what do you say you could fairly afford to give for it to Mr. Brown, if he would let you the garden by itself; how much is there of it first of all?—The garden?

2893-4. Yes.—I ask you what rent, to the best of your judgment, you could freely have offered to give Mr. Brown for this garden, if it had been set to you without the houses?—Why, I think that garden would be worth 4*l.* a year.

2895. Do you know Coleman's premises?—In Barrack-street?

2896. In Barrack-street.—Yes, I do.

2897. Do you know what it is that he occupies?—Yes.

2898. Do you know the widow Welch?—I do.

2899. She lives in Barrack-street too?—Upon the same plot in Barrack-street.

2900. How long has she lived there?—Mrs. Welch?

2901. The widow; has she lived there ten years, or what; is it ten years ago, or not, that she came there?—I think it is.

2902. You say you know the premises he has?—Yes, I do.

2903. Do you know them well?—I do.

2904. Do you know them well enough to enable you to tell the Committee what rent you think they would bear if a person like yourself were to wish to take those premises; what rent do you think he could get, Coleman could get from a tenant, for the whole that he occupies?—That he occupies at present, sir?

2905. Yes. (*The Witness paused*)—Why, sir, they would be worth more to another person than they would be worth to me.

2906. I am not asking you, Larry, what they would be worth to you; I am asking you what rent, for the whole of Coleman's premises that he now occupies, you think he could get from a tenant, a man in his station of life, who wanted a thing of that kind?—(*A long pause*).

The question was ordered to be read to the witness.

2907. (*The Chairman*.) Now, witness, answer the question.—(*A pause*.)

2908-9. (*By the Committee*.) Do you understand the question?—I do. Am I obliged to answer it?

The *Chairman*. Certainly.

2910. Answer it to the best of your judgment?—

Lawrence Ivers.

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The *Chairman*. You are to answer the question undoubtedly.The *Witness*. Why, I would not give 10 *l.* for it.

2911. That is not an answer to the question I put?—It might be worth it to another person.

2912. Larry, have you known houses and premises of the same kind as his set for that value?—

2913. (Mr. *Cockburn*.) Of your own knowledge?—Why, sir, there is a house convenient to it, very convenient, that is set for 10 *l.*, and this house has no garden; it has no yard, that one that is set for 10 *l.* convenient to it.

2914. And this has?—And this has a very good yard.

2915. Do you think, then, this house of Coleman's, the premises altogether of Coleman's in Barrack-street that he holds, is a better let than the house you speak of that is set for 10 *l.*?—Why, sir, the house is not entirely so large; but there is a gateway to it, and there is no gate or yard to the other one that is set for 10 *l.*

2916. There is a gate and yard to this?—Yes, but the house is not so good.

2917. I am asking you whether, in your opinion, the house, taking with it the gateway and the yard which he has, the whole of his holding in Barrack-street, whether it is a more or less desirable property than the house you speak of; a convenient house that lets for 10 *l.*; which would you rather have of the two? perhaps that is the better way of putting it?—Why, sir, I would rather have the other one; the one that is let for 10 *l.*

Re-examined by Mr. *Cockburn*.

2918. You would rather have the one that is set for 10 *l.*?—Yes.

2919. A good deal rather, would you not?—If it had a yard I would, of course.

2920. Would you not sooner give 10 *l.* for the one set at 10 *l.*, than you would give 8 *l.* for Coleman's?—I would not.

2921. What house is this that is set at 10 *l.*?—It is a house at the corner.

2922. Who lives in it; just tell me who occupies it, will you?—(*The Witness paused*.)—I think it is Murphy.

2923. Why there is a shop, is there not, to that house?—There is.

2924. (By the *Committee*.) Is there any shop belonging to the house that Coleman occupies?—There is not, but there is a gateway at the end of it; a good gateway and a middling good yard.

2925. There is a shop to Murphy's house?—Yes.

2926. Do you mean to say there is not a gateway and yard to that?—There is not; not for the same rent; he has got another plot convenient to it, and then he attached a yard and gate.

2927. How do you know what the rent of that house is; Murphy's house?—I hear them always saying it; M'Guinness was the landlord, and Murphy and M'Guinness told me that that was what was paid.

2928. You say you would rather have that house than you would have Coleman's?—Yes.

2929. When do you say you went into the occupation of the house and garden that you now hold; how long ago?—The 21st March 1835.

Examined by the Committee.

2930. Do you think Murphy's house is dear at 10 *l.* a year?—Why, sir, I can't but think it is.

2931. You think it dear; do you think Murphy's house dear at 10 *l.* a year?—I think it is dear enough.

2932. You would not recommend your son to give 10 *l.* a year for Murphy's house; you would not recommend a near relative to give 10 *l.* a year for Murphy's house?—It is a pretty good situation as a corner.

2933. Would you recommend a near relative to give 10 *l.* a year for Murphy's house?—I would not be against his giving it; it is dear enough though.

2934. Would you give 10 *l.* a year for Murphy's house?—I would not; I am not in business, and it would not answer me.

2935. You think 10 *l.* a year would be a full rent for Murphy's house?—Yes.

2936. You think Coleman's house is not worth so much as Murphy's house?—I do not think it is worth so much as Murphy's house.

2937. You think Coleman's house is worth less than 10 *l.* a year?—I think it is at present.

2938. You were very reluctant to answer the question about the value of Coleman's house?—I would not like to value it at all.

Lawrence Ivers.

2939. You were very unwilling to answer the question put to you by the counsel; what made you so unwilling to answer any question about the value of Coleman's house?—Why, sir, I was not inside of it this good while; I do not know what state it is inside; it looks pretty good outside.

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2940. You were asked the value of Coleman's house, and you appeared not willing to answer any question about it; you asked the Chairman whether you were forced to answer that question; do you remember what made you unwilling to answer any question on the subject?—Why, sir, it might be of more value to a person who might be going into business, and would be coming in; to another person than to me.

2941. That is in reference to Murphy's house?—Yes.

2942. Why were you unwilling to answer any question with respect to the value of Coleman's house?—Am I unwilling?

2943. You were unwilling; you asked the question whether you were obliged to answer the question, that showed your unwillingness; had you any reason for refusing to answer that question respecting the value of Coleman's house?—I have not, sir, the smallest reason, and had not.

2944. Then what made you ask the Chairman whether you were bound to answer that question or not?—I told you the reason, I was not a very good judge, in my own opinion.

2945. You do not think you are competent to form an opinion?—Yes.

2946. You do not know what state the interior of the house was?—I was in it very little; I could not tell exactly.

2947. If Coleman's house was situated in a different part of Carlow, it might let for more, might it not?—It might; but—

2948. Do you know any houses in a different part of Carlow, about the same state, where they let higher; do houses of the same description let higher in different parts of Carlow?—I am not certain; I cannot answer that.

2949. Does the yard adjoin on to the back of Murphy's house; the yard Murphy occupies, does it join on to the back of Murphy's house?—Why, sir, Murphy had no yard at the time that he took the other house, and then he came into possession of another premises, and then he attached the yard belonging to the other premises, he attached it to this corner house.

2950. It adjoins?—Adjoining.

2951. And there is a door at the back of Murphy's house enters into the yard, is there? is there a door at the back of Murphy's house that goes into the yard?—Belonging to the other plot.

2952. Murphy lives in the corner house?—He does.

2953. Is there a door at the back of Murphy's house that goes into the yard?—Into his own yard or Coleman's yard, which?

2954. Into his own yard.—Yes, he goes out of the front, and there is a small gateway.

2955. He has that yard adjoining his house makes his house more valuable?—Yes, it does.

[The Witness withdrew.]

Patrick Bolger, again called; Examined by Mr. Cockburn.

2956. BEFORE you came away from Carlow did you make that plan of the premises?—I did.

Patrick Bolger.

2957. Does that describe them (a very artificial one), does it describe the position of the premises and these gardens?—Yes, it does; I am not a person conversant with drawing maps, and I did it merely for my own information.

2958. Did you go to the premises?—I went to the premises this day week.

2959. There are two houses fronting Barrack-street; one the voter's, and the other Mrs. Welch's?—Yes.

2960. Behind that is there a garden?—The garden here.

2961. The garden of Mrs. Welch?—Yes.

2962. Adjoining those gardens there, the garden which is now occupied by Ivers?—Here it is; here is the Staplestown-road, and here is the garden, about half an acre, which was in Coleman's possession when he registered in 1832, and which I valued at about 5*l.* a year.

Patrick Bolger.

2963. You say it was in his possession when he registered in 1832?—Yes.

[The Witness produced the Plan.]

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Vide Plan.

Mr. *Wrangham* was heard to object, and to apply that all the questions and answers, except in relation to the plan, should be erased from the notes. The witness had been called back to be examined upon the plan only, and could not be examined upon any other point.

Mr. *Cockburn* was heard in answer, submitting that the objection was too late, as the objection should have been taken to the question, and not after the answer had been given. It was beside the common practice, when fresh matter arose, to ask the witness to it.

Mr. *Wrangham* was heard to support his objection.

The room was cleared.

The Committee deliberated.

Counsel and agents were called in and informed by the Chairman, that the Committee had come to the following determination: "That the last question put by Mr. *Cockburn* to the witness *Bolger*, and the answer made thereunto, be struck out from the Minutes of the Committee."

Mr. *Cockburn* was heard to apply to the Committee to put the question which they had ordered to be struck out.

Mr. *Wrangham* was heard to object.

Mr. *Cockburn* was heard to reply.

The room was cleared.

The Committee deliberated.

Counsel and agents were called in and informed by the Chairman the Committee had resolved as follows: "That the Committee decline complying with Mr. *Cockburn*'s application to put the question at his instance, which the Committee had already decided to be irregular."

Patrick Bolger re-called, and his Examination continued by Mr. *Cockburn*.

2964. BE good enough to take that plan in your hand. Point out, in succession, the different houses and premises which are marked on that plan?—Beginning at *Coleman's*, the voter?

Mr. *Wrangham*: Let me look at the plan; I see there is writing upon it.—(*It was handed to Mr. Wrangham.*)

The Witness was ordered to withdraw.

Mr. *Wrangham* was heard to submit that all relating to the plan should be struck out from the minutes, inasmuch as the plan contained matter upon it which was not evidence.

The Chairman stated it was the intention of the Committee to receive the plan, but not to pursue the examination of the witness *Bolger* on other matters foreign to the plan.—(*Certain portions of writing on the plan were erased by the consent of both Counsel.*)

Patrick Bolger, again called; Examined by Mr. *Cockburn*.

2965. LOOK over that plan; in Barrack-street, what is there marked on the plan?—The widow *Welch's* house is the first here in Barrack-street.

2966. Whose is the next?—*Coleman's* house.

2967. At right angles with that Barrack-street is some road?—*Staplestown-road*.

2968. Behind *Coleman's* and the widow *Welch's* house, what is there in the shape of land or garden?—Behind *Coleman's* house is it?

2969. Is there a yard?—There are two small yards.

2970. One belongs to his house and one to Mrs. *Welch's*?—No, the two belong to *Coleman*.

2971. Behind the yards; what is there, a garden?—There is a garden belonging to a man of the name of *Murphy*, who owns the corner house at the *Staplestown-road*.

2972. That garden is *Murphy's*?—Yes.

2973. Below that garden is there a garden to Mrs. *Welch's*?—Yes, the widow *Welch's* garden.

2974. Now this garden beyond the widow Welch's garden; is there another garden?—There is a small garden that was formerly belonging to a man named M'Guinness.

Patrick Bolger.

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2975. (By Mr. *Wrangham*.) Is it marked on the plan?—Yes, it is; there is a division there; it is in pencil.

2976. (By the *Committee*.) That plan was drawn by yourself?—It was. (*The Witness marked it in ink along the pencil line.*)

2977-8. When was the plan drawn?—This day week.

2979. Before you left Dublin?—Before I left Carlow.

2980. On this side of the garden you say was in the occupation of M'Guinness?—Yes.

2981. Is there a garden now in the occupation of Ivers?—Yes, in the rear of the Staplestown-road; in the rear of the cabins in Staplestown-road.

2982. Are those the gardens in the possession of Ivers marked there; are those the gardens which you told us were previously in the possession of Coleman?—Yes, this garden here was in his possession; and this small garden here, now occupied by Mrs. Welch, was in his possession in 1832, when he registered.

2983. Are those the gardens; that garden of Mrs. Welch, and that garden here, which you say were in his possession in 1832; is this garden the one on which you have your pen, the one you estimated at 5*l.* in your estimate of the value?—Yes.

Mr. *Wrangham* was heard to contend the last question and answer should be struck from the minutes.

Mr. *Cockburn* was heard to support his right to have the question remain.

Mr. *Wrangham* was heard to reply.

The room was cleared.

The Committee deliberated.

Counsel and agents were called in and informed by the Chairman, that the Committee had resolved, that the last question and answer be expunged from the minutes.

Patrick Bolger, again called; and Cross-examined by Mr. *Wrangham*.

2984. YOU see this half of the ground, which has no distinctive mark upon it; will you tell me whose occupation that is in?—It is in the occupation of Murphy, the owner of this house at the corner.

2985. Put down "in the occupation of Murphy" upon it?—(*The Witness did so.*)

2986. I see here another above that, which is not marked?—That is Murphy's; I should not have continued the stroke there; I did not intend that as a division; this is all Murphy's garden.

2987. I see here is another plot here, which is without a mark, a small one?—That is Murphy's yard.

2988. Mark it so?—(*The Witness marked it.*)

2989. Here is also another plot without a mark; mark there?—That is at present in possession of Mrs. Welch; it was formerly in the possession of M'Guinness.

2990. Then what is this down here; this large plot outside the inclosure?—That is outside the boundary entirely.

2991. Private ground?—That is in possession of a man of the name of White; the other holding or continuation of Barrack-street.

2992. This is all the property of other persons, having nothing to do with the parties here?—Nothing at all.

2993. Did M'Guinness live a considerable time there?—Formerly occupied the premises in the possession of Murphy; he was the lessor of Murphy.

2994. He has merely lived and occupied, with respect to this land?—Yes.

2995. The occupation of this portion belonging to parties who are not immediately before the Committee, have been in occupation a considerable time?—Yes; many years ago.

2996. The streets are designated upon it?—Yes.

*Patrick Bolger.*Examined by the *Committee*.

9 May 1839.

2997. This and that, and these two, were what Coleman originally held?—Yes; here was his boundary in one instance; this also was in his possession, and this, and he had those cabins set; but this was not in his possession, this large garden and this small garden; here is his dwelling-house, yards, and gateway.

2998. You say this piece was never in his possession?—He had it set to tenants; he had four cabins, but he reserved the garden; or his father reserved the garden rather; he came into possession by demise of his father, and not, to my knowledge, those cabins were never in Coleman's.

2999. I think the witness has just now pointed out the whole of the land which was in Coleman's possession in 1832?—That is the case.

3000. It includes Coleman's house?—It includes Coleman's house and the two yards to the rear.

3001. What else?—This small garden, now in the occupation of widow Welch, and this large garden to the rear of the cabins in Staplestown-road, now in the occupation of Ivers.

3002. And is that the property which you valued at 12 *l.* a year?—It was.

3003. The whole taken together?—The entire taken into consideration.

3004. Subsequent to the registration he parted with this garden here?—No, he was ejected, and it was given to Ivers.

3005. He lost possession of it?—He lost possession of it.

3006. Was it previously or subsequently he lost possession of this garden, now in the possession of widow Welch?—He let it to the widow Welch himself.

3007. Subsequently?—Subsequently.

[The Witness withdrew.]

Mr. *Cockburn* was heard to sum up against the vote, and to contend that since the registration the voter had parted with such a portion of his holding as reduced the value of that which remained to below 10 *l.*

Mr. *Wrangham* was heard to support the vote, and to contend that it was not proved that the voter was now in possession of less property than that for which he registered, and that the affidavit of registration proved he was only registered for the house and premises in Barrack-street, which he still retained.

The room was cleared.

The Committee deliberated.

Counsel and agents were called in; and informed by the *Chairman*, that the Committee had resolved that the vote of Thomas Coleman was a good vote.

[The Committee adjourned to Eleven o'Clock to-morrow.]

Veneris, 10^o die Maii, 1839.

GEORGE GROTE, Esq., IN THE CHAIR.

10 May 1839.

Names of the Members called over; All present.

Mr. *Austin* proposed to remove from the poll the vote of Thomas Quinlan.

The voter stood 46 upon the poll, described as of Tullow-street, and registering for a dwelling-house, out-offices, and premises in Tullow-street, and as voting for Mr. Bruen.

The qualification oath was put to the voter, and his vote objected to.

Mr. *A. Humfrey* sworn, and produced the affidavit of register of the voter.

The date of the affidavit was 6th November 1832, described the voter as registering for dwelling-house, out-offices, and premises in Tullow-street.

John Lennon, called in, and sworn; Examined by *Mr. Thesiger*.

John Lennon.

10 May 1839.

3008. YOU have been in the room very often?—Never; only the first morning I came inside the door, and then I went out again; that gentleman here (*Mr. Wrangham*) was tipped by a gentleman on the shoulder, and I went out.

3009. How long before this gentleman was tipped had you been in the room?—About two or three minutes, not knowing the consequence of it.

Examined by *Mr. Austin*.

3010. What day was it you were in the room when the gentleman was tipped?—I believe on Tuesday.

3011. Was it the first day of the meeting of the Committee?—It was.

3012. What time did you come in?—When the door was open there was a burst in the hall; a burst of people were coming into the room; a great crowd was coming in at the same time.

3013. Were you standing at the door?—Near to the wall; at the far side.

3014. Did you come in with the people?—I did, and went out again.

3014*. Was anybody speaking or making a noise at the time?—There was a gentleman speaking.

3015. Do you know who it was?—I declare I do not.

3016. Had he a wig on?—He had.

3017. Was he one of the four gentlemen who are here now?—Egad I think he was one of the four.

3018. Look at the four gentlemen; look and tell us who it was?—Egad I believe it was this gentleman (*Mr. Thesiger*.)

3019. Do you recollect what he was talking about; did you attend?—I did not pay any attention at all.

3020. Did you not pay any attention to him?—Not the least, and did not know what it was about.

3021. Could you understand what he was talking about?—I could understand this much of it, that they were talking about——

3022. About what?—I cannot now recollect the man's name.

3023. (By *Mr. Thesiger*.) Moorhead?—No, it was not.

3024. Was it Jenkinson?—It was.

3025. They were talking about Jenkinson, were they?—Yes.

3026. And that gentleman was speaking?—Yes.

3027. Did you hear any witness examined?—I did not.

Re-examined by *Mr. Thesiger*.

3028. Do you mean to swear that you were here only two or three minutes?—I said five or six, and that is all I said.

3029. That is double; will you swear; I will go on with you as far as you choose to go; will you swear you were only here five or six minutes?—I will, and I was not there.

3030. How many, five or six minutes?—Never a one but the one five or six minutes, unless you count since I came in now.

3031-2. You mean to abide by that; you were only here five or six minutes?—That is all, indeed.

[The Witness withdrew.]

Mr. Arthur French, Examined by *Mr. Austin*.

3033. DO you remember Lennon being in the room?—I do.

3034. Did you see him here?—I did.

Mr. A. French.

3035. Did you order him out?—I sent to *Mr. Fitzgerald* to put him out the moment I saw him.

3036. What was going on at the time?—The argument about the delivery of the list; about *Jenkinson*.

3037. About the double or single name?—Yes.

3038. (By the *Committee*.) Which day was it?—It was the first day the *Committee* went into business.

3039. How long did you see him in the room?—Why, I can't say how long

Mr. A. French.

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he was in the room, for the instant I saw him I ordered him out; he could not be very long, I think, because Mr. Thesiger had not gone much into his argument at the time I saw him.

3040. I suppose he said nothing to you as to the time he had been in the room?—I went out afterwards to him, and I asked him what brought him in; I was exceedingly angry at his being in; and I asked was he sent in by somebody, and I suspected he was induced to come in.

3041. Do not tell the Committee the suspicion?—I am only telling you what brought me to him; and then I heard afterwards that the gentlemen had their watches to ascertain exactly the time he was in; that they were watching him in the room; that made me suspect.

3042. (By the *Committee*.) Had you given the witness any warning not to come into the room?—I do not recollect having given him any warning not to come into the room, but I think he ought to have known it.

3043. Did any one admonish him?—I recollect the first day the Committee met the Chairman giving a general notification.

3044. (By the *Committee*.) You do not know whether Lennon was there?—I do not know.

Philip Dighton, called in, and sworn; Examined by Mr. *Thesiger*.

Philip Dighton.

3045. DO you know the person, John Lennon, who has been called in the room as a witness to-day?—I know a person of the name of John Lennon.

3046. Is he the person who was here; who is out of the room now?—I cannot say; if I saw the man I should know him.

Mr. *Cockburn*. We will assume it is the man.

3047. Do you remember, Dighton, the first day of the meeting of the Committee?—The first day the Committee sat at 11 o'clock?

3048. Yes, yes, I mean that day?—Yes.

3049. Did you see that Mr. John Lennon, and did you give him any caution as to not coming into the room?—He and I entered the room previous to the Committee sitting. As soon as the Chairman took his seat, or immediately after, "Lennon," says I, "come out of the room;" he and I left the room, and now, says I, "we are not to go into the room any more while the Committee is sitting, or else our evidence will not be taken."

3050. Did you yourself see him come into the room after that?—I did not see him come in; I saw him come out; I heard a gentleman in the hall say he was in the room; I then had an eye on the door; from the best of my recollection, from the time I had my eye on the door until he came out, it was a quarter of an hour.

3051. You did not see him come in?—No.

3052. You hearing he was in the room, you had your eye on the door?—Yes.

3053. And from that time until the time of his coming out it was a quarter of an hour?—It was full a quarter of an hour, to the best of my belief.

Cross-examined by Mr. *Austin*.

3054. Did you take out your watch at the time?—I did not.

3055. And you say about a quarter of an hour?—Yes.

3056. Who were you summoned by?—On the part of Mr. Gisborne.

3057. By Mr. Baker?—Yes.

3058. Who did you mention the fact to of Lennon's having been in the room?—I mentioned it to several.

3059. To whom?—As to my cautioning Lennon?

3060. I ask you as to his being in the room; to whom did you mention that fact?—I mentioned it to several in the lobby.

3061. To whom?—I mentioned it to Mr. Burgess.

3062. Who is he?—One of the friends of Mr. Gisborne.

3063. Did you mention it after he came out to Mr. Burgess?—No.

3064. While he was in the room?—Actually when he was in the room.

3065. How long before he came out?—I believe five minutes before he came out.

3066. To anybody else?—I believe I mentioned it to some of the witnesses in the lobby.

3067. Did

3067. Did you send in word to the parties here?—I said to Mr. Burgess, “I believe, Mr. Burgess, one of your men is missing,” and I began to laugh, and Mr. Burgess was looking about at the time, and shortly after that, I believe, Mr. Lennon came out.

Philip Dighton.

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3068. Did you send in word to the agent in the room, that Lennon was in the room?—I did not.

3069. Did you mention it to the agent on the other side?—I mentioned it to Mr. Bate a few minutes ago, that I cautioned Lennon.

3070. That is not my question; I did not ask that; did you tell Mr. Bate that Mr. Lennon had been in the room?—I told him a few minutes ago.

3071. Not before a few minutes ago?—Not to the best of my belief.

3072. You must know, did you or did you not?—I did not.

3073. What did you say to the best of your belief for? do you know Mr. Butler?—Mr. Crawford Butler?

3074. Yes?—Yes, I think I did.

3075. When did you mention it to Mr Butler?—I believe the day it occurred.

3076. Did you mention it immediately on the fact occurring?—I did not; he was aware of it, I believe, before me.

3077. He is the agent on the other side?—Yes; I do not know whether agent or not; he is a witness.

Thomas Crawford Butler, called in and sworn; Examined by Mr. Thesiger.

3078. DO you know John Lennon, the witness who has been here this morning?—I do.

T. C. Butler.

3079. Do you remember, on the first day on which the Committee sat at 11 o'clock, the first day on which actual business was done, John Lennon coming into the room?—I do.

3080. Are you able to say how long it was from the time you saw him come into the room to the time he left?—Just 25 minutes.

3081. Did you time him by your watch?—Yes.

3082. Was your attention called; the moment it was known, was your attention called to the time he remained in the room?—I saw him with three others passing into the room after a division, two of them were kept out, and he got in; I immediately pulled out my watch, and I told two or three, “There is Lennon gone in, let us time him;” I did accordingly, and when he came out, I said, “You have been 25 minutes in the room, and mind, I will take advantage of it.”

Cross-examined by Mr. Austin.

3083. You did not tell him as he was going in, he must not go in?—No; nor could not.

3084. Did you send in to the agent of Mr. Gisborne to say he was in the room?—Decidedly not.

3085. Why did you not?—I did not conceive it was my business.

3086. You did conceive it your business to pull out your watch and count?—Most decidedly.

3087. For the purpose of giving evidence?—Yes.

3088. For the purpose of disqualifying him from being a witness?—Yes.

3089. You watched for 25 minutes?—Yes.

3090. Was Dighton with you at the time?—No.

3091. Do you know Dighton?—I do.

3092. Did you speak to him about it?—No.

3093. Did he ever speak to you about it?—No.

3094. Never?—Every one was speaking about it at the time.

3095. Do you swear Mr. Dighton never spoke to you about it?—I wo'nt say he did not speak to me, because we were all speaking about it, every one of us.

Examined by the Committee.

3096. What was the exact time of day when you watched the witness coming into the room?—Just 12 o'clock.

3097. What time was it when he came out?—About 25 minutes after.

3098. You are positive?—Yes.

Thomas C. Butler. 3099. How many people were you speaking to when you were talking to Dighton?—Oh, I suppose eight or ten; we were all in a mass together.

10 May 1839. 3100. Where did it occur?—Outside, in this little ante-room here.

[The Witness withdrew.]

Mr. *Thesiger* stated he had other witnesses as to the time the man was in the room, but he thought it unnecessary to produce them. He had now to object to the reception of the evidence of John Lennon, and the question was, whether the Committee would adhere to the rule which they had laid down.

The *Chairman* stated, the opinion of the Committee seemed to be, that they should adhere to their rule, and that the witness could not be examined.

Mr. *Austin* begged to be heard before the Committee came to that resolution, and submitted that the rule was one of convenience, but not to be pressed with too great rigidity, and quoted the case of the *King* against *Colley* and *Sweet*, *Moodp & Malkin*, where Mr. Justice *Littledale* laid down, the rule that he would receive the evidence, although it would be subject to observation. The learned Counsel also referred to the case of *Parker* and *M^rWilliam*, 6 Bingham 683, a case decided in the City of Oxford Election Committee, reported in *Cockburn* and *Rowe*, and the *Shrewsbury Minutes* of 1807, from *Chambers's Law Dictionary*.

Mr. *Thesiger* was heard to support his objection, and to comment upon the cases quoted by Mr. *Austin*, admitting the discretion was in the Committee, but contending that there were no circumstances in this case which should induce the Committee to deviate from the rule laid down by their resolution.

The room was cleared.

The Committee deliberated.

Counsel and agents were called in, and informed by the *Chairman*, that the Committee had resolved that John Lennon's evidence be received.

John Lennon, again called; Examined by Mr. *Austin*.

John Lennon.

3101. ARE you a carpenter?—Yes, sir.

3102. Do you know Thomas Quinlan?—Thomas Quinlan in Carlow; is it of Carlow?

3103. Yes, it is.—Yes, I do.

3104. He is a shoemaker; do you know him?—Yes, I do.

3105. Did he live in Tullow-street, in Carlow; do you know the house he lived in?—I do, sir.

3106. Were you ever employed in your business as a carpenter in that house?—I was, sir.

3107. In what year?—I believe about a year or a year and a half ago.

3108. Was it last year?—It was last year at any rate.

3109. Was it the beginning of the year?—It was not in the beginning of the last year.

3110. What then?—Something like summer, I think.

3111. Some time towards the summer of last year?—Yes.

3112. What sort of a house was it; was it a house of one story, or more than one?—It was one story high.

3113. A thatched house?—Yes.

3114. What were the rooms in it; do you recollect?—At that time?

3115. Yes.—There were two rooms and a kitchen.

3116. Beside two rooms and a kitchen, what was it?—Nothing more, only a little loft.

3117. Two rooms, a kitchen, and a loft?—That is all.

3118. Was there a yard?—There was a yard.

3119. Was there anything else in the rear?—Back houses and a garden.

3120. How many back houses?—Four, I think.

3121. What do you mean by back houses?—I mean houses that were in the yard.

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3122. What sort of house; pigsties?—No, they were not pigsties; they were little houses that were set to lodgers.

3123. What were they, offices?—Out-offices; I do not know what you may call them.

3124. Were there any out-offices besides the four houses you mentioned?—No, there was not.

3125. (By the *Committee*.) Were these in the yard?—Yes.

3126. In the rear?—In the yard.

3127. What did you do when you went to the house last year as a carpenter?—There was a door broke out of one of Quinlan's rooms into a gateway that was in that yard; I hung the door, and put on a lock and hinges upon it; the mason broke it out.

3128. And you hung the door on hinges, you say?—Yes.

3129. What was that door broke out for?—To give it to the man who took the back houses and yard and that part of the house.

3130. What was his name, do you know?—Maher.

3131. Pat Maher?—Yes.

3132. You say it was made to give it to him?—Yes.

3133. Was the house separated by these means?—That room was taken off the house.

3134. And separated from it?—Yes.

3135. With a door out into the back yard?—Out into the lane.

3136. Did the lane communicate with the yard?—The yard, the gateway, and lane and all; it was sometimes called a gateway, and sometimes a lane, down to the little houses that were in it.

3137. If I understand you, when that was finished there was no communication between the dwelling-house and this part that was cut off?—No.

3138. Let me see if we understand you right; there was the dwelling-house without this room that had been cut off remaining as before?—Yes.

3139. There was the room that had been cut off?—

Mr. Thesiger objected to the question as leading.

There was a door to the front, in Tullow-street; there was a window on each side of the door; Maher had one of them windows added to his own part when they broke the door out in the lane; the door that was coming out of Quinlan's part into that was stopped with bricks and mortar by a mason.

3140. Maher took that, did he?—Oh, yes, that was in his bargain.

3141. Did he take it?—Yes.

3142. What else did he take besides?—The four back houses, and the yard, and a bit of the garden.

3143. He took that, the four back houses, a yard, and a bit of garden?—Yes.

3144. And the gateway?—Yes; and put a gate to it himself.

3145. What remained to Quinlan?—The kitchen and a room behind it; a back room we call it.

3146. How did Quinlan get into his house after this separation was made?—In at the street door.

3147. That remains as before?—That remains as it was before.

3148. Quinlan gets into his house by the street door, and Maher gets into the house by the new door?—Yes, by the new door through the gateway.

3149. What, in your opinion, is the value, to be let by the year, of that part that Quinlan retained after this alteration?—Including the gardens?

3150. That part that he retained; that part he kept, what was it?—Indeed I think it would be set very well at 5 *l.* 10 *s.*

3151. By the year?—By the year.

Cross-examined by *Mr. Thesiger*.

3152. Where do you yourself live in Carlow?—In Staplestown-road.

3153. Do you occupy an entire house there?—I do, sir.

3154. A whole house?—A whole house.

Mr. Austin submitted, that as the man was objected to on the ground of value, this evidence ought not to be received.

Mr. Thesiger stated he was not going to apply the evidence he gave now to break down the vote by-and-bye.

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The witness was ordered to withdraw.

Mr. *Austin* was heard, in continuation, to object. Number 17, John Lennon, was objected to by the other side, for this reason, that he had not occupied within the borough any house, and so forth, of the clear value of 10 £; the rent the voter paid was one criterion of the value.

Mr. *Thesiger* stated he could not conceive this had a bearing on the vote of the witness, and that he could not pray in aid what the witness had said on this occasion to apply it to his vote.

Mr. *Austin* was heard to reply.

The room was cleared.

The Committee deliberated.

Counsel and agents were called in, and informed by the *Chairman*, that the Committee had resolved the question of Mr. *Thesiger* as to the rent paid by the witness, John Lennon, be expunged from the Minutes.

John Lennon, recalled; and Cross-examination continued by Mr. *Thesiger*.

3155. Pray, Lennon, is your holding or Quinlan's the better or more valuable?—

The witness was ordered to withdraw.

Mr. *Austin* objected to the question.Mr. *Thesiger* was heard to support his right to put the question.

The *Chairman* stated that the sentiments of the Committee were, that Mr. *Thesiger* was not to be permitted to derive from this witness any information respecting the value of his own tenement, which might hereafter become a substantive matter of discussion.

Mr. *Austin* suggested, their objection would be removed if the objection to the witness's vote was withdrawn.

Mr. *Thesiger* stated he could not acquiesce in the proposition.

John Lennon, recalled; and Cross-examination continued by Mr. *Thesiger*.

3156. Did you take an active part in the election?—Yes, sir, as far as giving my own vote.

3157. A little more active than that; did you not take tallies up to the poll?—No.

3158. Did you not assist in taking them up?—No.

3159. Or collecting the tallies?—No.

3160. Did you take no active part in the election, except giving your own vote?—No.

3161. None whatever?—No active part, only going to give my own vote.

Mr. *Austin* stated this witness had been objected to as a paid agent, and he should object to further questions on the subject.

3162. You mean to stand by that, do you; you were only active in the election by giving your own vote?—

Mr. *Austin* objected.Mr. *Thesiger* stated he would withdraw the question.

3163. Do you remember these premises in 1832?—Quinlan's?

3164. Yes.—Yes, I do.

3165. Were not those little houses, as you call them, let off at that time?—Were not they let off at the time?

3166. Set off you call it, to other persons?—To weekly tenants, sometimes occupied and sometimes unoccupied.

3167. But, in the year 1832, were they or were they not occupied by weekly tenants?—I cannot say that they were, and I cannot say they were not.

3168. Do you mean, on your oath, to say you do not know whether those little houses were occupied at the time or not?—Upon my oath I do not know whether they were or not; sometimes I heard they were, and more times I heard they were not; sometimes, I will tell you a reason we had—

3169. I want to know whether you saw it yourself; you need not be so anxious?—I did not see it myself; I was not in the habit of going down at all.

3170. You knew nothing at all about it?—No, not at that time..

3171. When

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3171. When was the first time you knew anything about those premises?—When I went to repair them.

3172. A year or a year and a half ago?—Yes.

3173. Was it as long as that, or when?—I cannot exactly say to the time, because I am a working man, and a working man has no great recollection of the time.

3174. What do you believe to be about the time?—I believe it is better than a year, or about a year, or something of that kind.

3175. Now, what do you say is the value of the part which Quinlan occupies himself?—At the present time I say 5*l.* 10*s.*

3176. Do you mean to say that that includes the garden?—I do.

3177. The whole of it?—What he holds of the garden, and the little back room, and the kitchen.

3178. What he holds of the house and the garden is not worth more than 5*l.* 10*s.*?—No.

3179. Were you ever employed to value houses before?—Never was employed, and never was paid for it.

3180. I dare say you would be paid if you were employed; you never have been employed?—No.

3181. Did anybody ask you to put the value on this house, or the portion Quinlan occupied?—On the part as Quinlan occupied?

3182. Did anybody ask you to put that value upon it before you came here?—Yes; I was axed what was the value of that part of the house.

3183. Did anybody ask you to go and look at the house, and go and put a value upon it?—Yes.

3184. Who?—Dr. Cullen was one.

3185. When was that?—About the 23d or 24th of last month, I believe.

3186. Did you go to the premises and go over them for the purpose of ascertaining their value?—I did.

3187. Went all over them?—Yes.

3188. Did anybody go with you?—Yes.

3189. Who?—There was an attorney of the name of Mr. Burgess; no, it was not Mr. Burgess, I believe it was Dr. White.

3190. Did Dr. White go for the purpose of putting a value too?—He went to look at it.

3191. Is Dr. White here?—I do not know; I did not see him since I came to London.

3192. Did anybody else beside you and Dr. White go?—Yes.

3193. Who else?—Edward Fitzgerald.

3194. What, the gentleman who is here?—Yes.

3195. All three of you?—Four in all.

3196. Who was the fourth?—I myself.

3197. Mr. White, Fitzgerald, and yourself?—And Dr. Cullen.

3198. Two doctors?—Yes.

3199. What is Mr. Fitzgerald; an attorney?—I do not think he is.

3200. What is he?—He is a gentleman; lives private.

3201. A private house?—His house is a committee-room.

3202. Do you mean with a private door?—Yes.

3203. The three balls?—No, there is ne'er a ball over it.

3204. The persons who went to value were Mr. Fitzgerald, who lives private, two doctors, and yourself, the carpenter?—Yes.

3205. Did you take down particulars and all agree on an estimate?—Indeed we made every remark we thought proper, we did not leave anything hid upon us.

3206. Did you take down any account of what you thought of that description of premises, and agree on the value among yourselves?—Every one agreed for himself in his own mind.

3207. Did the doctors disagree?—I did not ask them about their opinions at all.

3208. Did you take down any notes?—No.

3209. Only in your brain?—Aye, aye.

3210. How came they to apply to you to go and value this house?—Because they understood I was one who had judgment upon the matter.

3211. How could they understand that, when you had never valued any house before?—Any house for working in.

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3212. I understood you to say you had never been called upon to value any house before?—Houses of that description I was not; but houses to work at I was, at my trade and business.

3213. That is, value the work to be done in them?—Yes.

3214. Carpenter's work?—Yes; or mason's work, or plasterer's work.

3215. Contract for work to be done, you could value the price of that work?—I can.

3216. But you never had valued any house before?—Any house of that description before?

3217. Had you valued any house before?—Houses that we work at.

3218. But not the value of the house itself?—Aye, and the value of the house itself to build it.

3219. That is the expense, the cost of building the house?—Yes.

3220. What I want to know is this: I want to know whether you had ever valued a house built and standing before this?—I did.

3221. I understood you to say you had not?—I did.

3222. You did say so?—I did say so.

3223. Why did you say so, if it was not the truth?—By houses I meant, and you meant too, the value of houses; the houses to value at an election.

3224. I put a question whether he had ever valued any house before, I understood him to say no?—I had. Suppose you had a house built by a mason, got it roofed and slated and roofed by a carpenter, and you had any dispute with your workmen, very likely I was sent for to settle the dispute between master and man.

3225. The price for the work; that is the working man's price for labour which he had bestowed when a dispute arose between master and journeyman?—Between employer, or man and master.

3226. Still again I must ask you whether you were ever called upon to value a house in this way: What is the value of a house to let by the year?—Why, I was working for a gentleman in Carlow, of the name of Mr. Curran, I have done the carpenter's work for 15 or 16 houses, and I laid a rent on them for him, and he set them at that rent.

3227. Were you ever called upon before when a house had been let to ascertain and estimate the value of that house?—To ascertain the value of rent?

3228. To ascertain the value of the house to be let by the year?—Why, I have houses of my own let by the year, and sometimes I must give them cheaper, at other times raise the rent again.

3229. You do not answer my question, whether you have ever been employed as a valuer to value what the house was worth to be let by the year?—I told you plainly for Mr. Curran I was, for 15 houses that I did the carpenter's work, and then I laid a rent on them, and then he charged that rent.

3230. You told me plainly before you never had?—I told you that not a minute ago.

3231. What description of houses were those of Mr. Curran's?—They were houses 15 feet wide and 20 feet in length, about that.

3232. Were they houses resembling this house of Quinlan's; about the same size?—They were about the same size.

3233. Whereabout were they situate?—They were in Mill-lane.

3234. Were they houses of the same description as Quinlan's?—No, they were all slated.

3235. I mean the size of the house, and so on; were they houses of the same description?—I think they were much about one width; I think Quinlan's was something longer in the clear than they were.

3236. Will you tell the Committee what you meant by saying that you never had been employed to value any house of the description of Quinlan's?—I will tell the Committee what I meant; I meant, and took it to understand from you, was it designedly, or was I employed for going through the houses before this election to value the house.

3237. Then that is what you understood was the meaning of my question when I asked you if you had ever been employed to value houses before?—Before this at this election.

3238. That is what you understand by my question?—Yes.

3239. When was it you were employed to value, or put a rent on these houses of Curran's?—I believe it is six or seven years ago; I cannot recollect the time, but I know it was when I done the carpentering work of them.

3240. It

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3240. It was about that time?—It may be less.
3241. Or it may be more?—I am sure it is not anything more.
3242. And you are not sure it may not be something less?—Oh, it is something less; I am sure, I think—
3243. Do tell us the time?—I do not know the time.
3244. You have given us six or seven years ago; then you say you are certain it is not more; now you are sure it is less?—Something; it may be something less.
3245. Tell us the time; how long will you venture to say, on your oath, it was; you say it was less than six or seven years?—I say I am sure it is less than six or seven years.
3246. Is it five, or what?—I cannot tell you exactly the time.
3247. What do you mean by saying it was six or seven years ago?—It is less than six or seven years.
3248. Why did you say six or seven years?—Because I was sure I would not be outside of it.
3249. But you are outside of it, because you are sure it is less?—I am sure it is less.
3250. You are certain you are outside of it, although you intended not to be?—I intended it was not more than six or seven years.
3251. How do the persons get to their little houses; is it through at the back; is it through the yard?—It is very rare to see any one going in at the back door.
3252. Do they go through the yard to get to those little houses?—What do you call the yard?
3253. Do you know what the yard is?—I do.
3254. Is there any yard to those premises?—There is.
3255. Now you understand, now answer the question?—There is a yard to every one of them.
3256. Now answer my question; you know exactly what I mean, then my question is a very clear one; do the persons go through the yard to get to the little houses?—No; they have a lane, called Mill-lane; and when they go in at one end, they can come out at the end of Wellington Bridge at the other end.
3257. Can they get to those little houses through that yard?—Through the gateway at this lane they can.
3258. What name do you give that lane?—Mill-lane.
3259. Is it known by the name of M'Guinness's-lane?—The little houses now you are speaking of; you are speaking of Curran's house to me; now you are going roundabout.
3260. I said these little houses, which you had called them?—You did not tell me what houses, and you were speaking of Curran's before that.
3261. Now then you understand?—Now I understand.
3262. Now understanding it, be good enough to answer whether the persons get to those little houses at the back through the lane?—In M'Guinness's-lane, they called it before.
3263. That is down the yard?—Down the open gateway.
3264. Down the open gateway to these little houses?—Yes.
3265. (By the *Committee*.) Through M'Guinness's-lane?—(No answer.)
3266. You go through the gateway you have been speaking of?—Down to them little houses.
3267. Is that the way also to Quinlan's garden?—Yes.

Re-examined by Mr. *Austin*.

3268. Let me understand this lane; M'Guinness's-lane; is that the lane you called a gateway just now; does the gateway go into it?—Yes.
3269. And so into the street?—And so into the street.
3270. Then when you go out of the street into the gateway, can you get into Maher's houses?—It is all Maher's place inside.
3271. Is all inside Maher's?—Yes; the yard, and all inside, is Maher's, and the door into his parlour, or whatever you like to call it.
3272. Through your door?—Yes.
3273. And then into the little houses?—And then into the little houses.
3274. They are all Maher's; and you say a piece of garden is Maher's?—Yes, he has a piece of garden; I do not know how much.
3275. The rest of the garden is Quinlan's?—Yes.
3276. How does Quinlan get to that garden?—He has a right of a passage.

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3277. (By Mr. *Thesiger*.) Were you present at the time of the agreement between Maher and him?—No, I was not.

3278. Have you ever talked with Quinlan about it?—I was, and talking to Maher about it.

3279. Have you ever talked to Quinlan about it?—Yes.

3280. Do you know from Quinlan whether he has the right of passage there or not?—I do.

3281. He, you say, has a right of passage through the yard to this piece of garden of his?—Yes.

Examined by the Committee.

3282. What did you value Curran's house at?—£. 3. 5s. a year.

3283. Do you know much about the value of houses in Carlow?—I do know something about them.

3284. What, in your opinion, would be the value of Quinlan's premises before a portion of them were cut off, Maher's?—Before the portion was cut off for Maher?

3285. Yes.—The value of the premises, before it was cut off for Maher, and all Maher has, it was well worth about 10*l.* or 11 *l.*

3286. What is Maher's portion worth?—Maher's portion has gone to something more than 8 *l.*

3287. It is worth 8 *l.*?—He pays that for it.

3288. At what time was it you broke out the door from Quinlan's room?—I cannot exactly say; but I think it is about a year; it may be under or over. I am a working man, when I am done with one employment I go off to another; I do not keep an exact account of the time; when I am done I am paid and away to another.

3289. You are sure it was not more than two years ago?—Indeed, I do not think it is; for the last nine months that is passed I was with Mr. Orton. I went the 19th of July, was the first day I was with Mr. Orton. I commenced with him, and I was with him until the other day, and it was outside of that, a good bit outside of that; half a year at any rate outside that.

3290. Half a year before last July?—Yes; I think, by the time I was working, it was that.

[The Witness withdrew.]

Patrick Maher, called in, sworn; Examined by Mr. *Austin*.

Patrick Maher.

3291. DO you know a man of the name of Quinlan, at Carlow?—Yes, sir, I do.

3292. Did you take part of his house at any time?—Yes.

3293. When?—On the 8th of May 1838.

3294. About May in 1838?—Yes, the 8th of May 1838.

3295. Was the house altered for you to go in?—No, there was no alteration, I made it myself, when I went into it.

3296. You made the alteration?—Yes.

3297. Did you pay for it?—Yes, I did.

3298. Do you know one Lennon, a carpenter?—I do.

3299. Did Lennon help you in making the alteration; did he do the carpenter's work?—Yes, I think it was him that made the door for it; the door and door-case.

3300. I will ask about that; was that broke out of one of the rooms of Quinlan's house?—I got it broke out into a back yard.

3301. And that was done by Lennon?—Yes.

3302. Is there a gateway there leading to this door; is there a gateway leading to the room?—Yes.

3303. Did you put up the gate?—I did.

3304. Was that at the same time?—Shortly after that; after putting the door I put the gate.

3305. Are there some out-offices?—Yes.

3306. Did you take the out-offices with this room?—Yes.

3307. Of Quinlan?—Yes.

3308. How were they occupied at the time you took them?—There were two of them occupied by tenants.

3309. And

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3309. And the other two, how?—The other two were idle.

3310. Did you take the yard also?—Yes.

3311. In which they stood?—Yes.

3312. And the bit of garden, is that so?—Yes.

3313. I will ask you what you took of him; what did you take of Quinlan?—I took a room in the front house, and the loft over, with a gateway, and the yard, and four out-houses, and part of the garden, which left him but a very small share entirely after that.

3314. Describe, if you please, to the Committee, what share constituted that which was left to Quinlan?—It consisted of a kitchen and a small room off it, backward of the kitchen.

3315. Was there anything else left to him besides?—Part of the garden.

3316–17. Is that all that remained to him?—That is all.

3318. (By Mr. *Wrangham*.) Was there any agreement in writing; was the agreement put into writing?—Yes, but I have no lease.

3319. (By Mr. *Austin*.) Have you got your writing here?—No.

The Witness was ordered to withdraw.

Mr. *Wrangham* objected to the contents of the written document being given in evidence. As the agreement had been reduced to writing, the particulars of the agreement could not be given in evidence by parol.

Mr. *Austin* admitted, in point of form, the question should be put as to what the party occupied, and not what he took.

The Counsel agreed that the questions and answers should remain.

The Witness was recalled.

3320. How does Quinlan get to this part of the garden that he retains?—By going through the yard.

3321. Does he use the yard for any other purpose?—He does not.

3322. Can you tell the Committee what the value of that portion of the premises is which Quinlan retained; how much is it worth to set by the year?—I think it might be valued at about 4*l.* or 5*l.*

3323. How long have you lived in Carlow?—Since May 1838.

3324. Up to when?—Up to the 28th of April last.

3325. You left Carlow, did you?—Yes.

3326. Where did you go to?—To Athy.

3327. What became of the premises you occupied when you went to Athy?—I gave it to Mr. Wall, for the same rent that I paid myself.

3328. Was there a written agreement?—Yes.

3329. Did Mr. Wall succeed you in those premises?—Yes.

3330. That was in consequence of an arrangement between yourselves?—Yes.

3331. Is he there now?—Yes, he was there when I left.

Cross-examined by Mr. *Wrangham*.

3332. You did not come to Carlow until you took this place, did you not?—I did not come to Athy.

3333. My friend asked you how long you lived in Carlow, and you said from May 1838?—Yes.

3334. You did not live in Carlow before you took this place?—No.

3335. Where did you live before?—Athy.

3336. After your experiment in Carlow, you returned to Athy?—Yes.

3337. You say you had some portion of this garden?—Yes.

3338. Is there any fence and division between your portion and his?—Nothing.

3339. Is there any mark to mark it out?—There was a mark.

3340. What sort of a mark?—A hole dug with a spade.

3341. A trench, is it?—No, not a trench, two holes; one hole at each side of the garden.

3342. How much garden is there in what you have; how much land?—Fourteen yards, more or less, was the way I took it, and about ten yards wide.

3343. How big is the yard?—The yard is about 18 feet wide, and about 30 feet long; and in a gateway about 14 feet more to the High-street, in the gateway; near the gateway.

3344. How do the people who live in these back houses get at their houses?—The gateway in the street.

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3345. And so down the yard?—Yes.
 3346. So that the inhabitants of these, and any one going to the garden, use this yard?—I suppose they have the use of the yard; I cannot tell that.
 3347. Do they use that yard?—I cannot tell that.
 3348. Could they get to their houses without it?—They left before I did.
 3349. Could they get to them without going through the yard?—They could, backwards, if they went through other people's premises.
 3350. The doors of those houses were into the yard?—Yes.
 3351. And the yard you say was 30 feet long?—About that.
 3352. How big was the whole garden?—I think there was about half a rood of ground or something better.
 3353. Was there not as much as a whole one?—No.
 3354. Have you ever measured it?—No, I did not; I know by looking at the size of it.
 3355. You know nothing of the state of these premises, or what portion of them the voter occupied in 1832?—I do not.

Re-examined by Mr. *Austin*.

3356. You have stated how much of the garden you had yourself; how much did Quinlan keep?—I think he had about half a rood after that what I had.
 3357. On the other side of the line drawn between the two holes?—Yes.

[The Witness withdrew.]

CASE IN SUPPORT OF THE VOTE.

James Young, called in, sworn; and Examined by Mr. *Wrangham*.

James Young.

3358. WHERE do you reside?—In Carlow.
 3359. Do you hold any situation there?—I do.
 3360. What is that?—I am deputy-governor of the gaol there.
 3361. Have you resided in Carlow for any length of time?—Yes, I have resided in Carlow for these last 13 years.
 3362. Are you well acquainted with the localities of the town of Carlow?—Yes, I am.
 3363. Do you consider yourself competent to speak to the value of premises in that town?—I do.
 3364. Do you hold house property yourself in that town?—I do.
 3365. And are in the habit, of course, of letting that property?—I am.
 3366. And of setting a value upon it?—I am.
 3367. Have you had experience upon that subject?—Yes; I have had a good deal of experience.
 3368. Do you know the premises of Quinlan; Thomas Quinlan?—I do.
 3369. In Tullow-street?—Yes.
 3370. How long have you known those premises?—I have known them well for the last 12 years.
 3371. We have heard of an alteration having been made, by a room having been cut off from the house, and let to a person of the name of Maher last year?—I do not know whom it is let to; but I know the part that is let off.
 3372. Have you set a value on the part which the voter, Quinlan, retains in his own occupation?—Yes, I have.
 3373. Now, do you know, then, what the part is he retains in his own occupation?—I do. He retains a kitchen, which he uses as a shop, as a shoemaker and as a kitchen both; and a bed room and a parlour at the rear of that. He uses the one room both as bed-room and parlour.
 3374. A parlour with a bed in it?—Yes, and a loft over the small room that is let.
 3375. (By the *Committee*.) Are there three rooms in all?—No, two rooms, and a loft over another room; over a room which is set; there are no stairs, but a step-ladder.
 3376. Going out of which part does the step-ladder go?—Out of his part; out of the kitchen.
 3377. All the communication is broken off between that kitchen and the room

which is let off?—No, the door is not built up; it is locked, but it is not built up, that I can see; the door is there still.

3378. Do you know the portion of the garden that he retains in his occupation?—Yes, I do.

3379. As you told me you are experienced and competent in setting a value on property in the town of Carlow, tell the Committee, to the best of your judgment and opinion, founded upon that experience, what is the annual value which you think may be fairly put on the premises which are retained in the possession of the voter, Thomas Quinlan?—Why, in my judgment, if the house was to be set at present, (it would go very readily without a garden,) that you would get 8*l.* or eight guineas for it; I am sure of that; just as it is now.

3380. Taking into consideration the garden also, what would you say might readily be got; as you use it, I will adopt that phrase?—I am certain that two guineas or 2*l.* would be got for it; it would be considered cheap at that.

3381. It would be considered cheap at that?—Yes.

3382. (By the Committee.) You valued the house at 8*l.* or guineas, with that room off?—Yes.

3383. (By the Committee.) And the garden at two?—The room is very small that is let.

3384. You say you have known these premises for a length of time; have you examined them with care and minuteness?—Yes, I have.

3385. Have you done that recently as well as at a former time?—Yes.

3386. (By the Committee.) When?—The last time when I examined them was Saturday the 27th.

3387. Saturday the 27th of last month?—Yes.

3388. Have you also, in the course of the previous twelvemonth, been repeatedly within those premises?—Yes, I have been in them two or three times within the last twelvemonth.

3389. Since that room was let off?—No, I was only in it once since the room was let off; once, that time on the 27th.

3390. Once previous, and also the other day?—Yes.

3391. Now, having this knowledge of the premises, and this general knowledge of the value of such premises in the town of Carlow, have you any doubt, in giving your opinion to the Committee, as to the amount of rent you think they would fairly and readily bring?—None whatever.

3392. There are some back houses or cabins?—They are cabins.

3393. Behind in the yard?—They are.

3394. You have known these premises for a long time?—Yes.

3395. Can you tell whether those cabins have always been in the occupation of the under-tenant?—They have.

3396. During the whole time you have known it?—Yes, until within the last twelvemonth.

3397. Not in the occupation of Quinlan, but in the occupation of other tenants?—In the occupation of other persons.

3398. I need hardly ask you whether, during the year 1832 for instance, at that time they were in the occupation of other persons?—I am quite sure they were.

3399. Does this yard lie at the back of the houses, as well as in the rear of the houses in Tullow-street?—It is opposite the houses.

3400. You do not say it lay at the back of those houses; should I be more correct in saying it lay at the front of them?—Yes.

3401. That is to say, those houses open upon that yard?—They do.

3402. Did the people who lived in those houses use that yard?—They did.

3403. In common?—In common.

3404. For their manure heaps, and so on?—In fact it was a lane; it was known by the name of M'Guinness's lane; a public lane it was up to the time of being got by some turfman.

3405. Did he put up anything there?—Yes, he built a shed in it.

3405. Maher occupied this place as a turfman?—Yes.

Cross-examined by Mr. Austin.

3407. How long have you lived in Carlow?—Thirteen years.

3408. What part of the town?—In the gaol.

3409. You have been turnkey for 13 years there, have you not?—Yes.

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3410. You have been turnkey for 13 years in the gaol, and you are a partisan of Mr. Bruen's, I understand, is that so; warm and zealous friend, are you not?—Yes, I wish Mr. Bruen well.

3411. It is not a cold, moderate desire, but you are a warm and zealous friend?—I do not think I am.

3412. Are you frigid?—I would not go out of my way to do anything I would not consider to be fair and honourable.

3413. Have you been in the habit of valuing houses or property in the town?—Yes, very frequently.

3414. For what purposes have you been in the habit of valuing property in Carlow, now, Mr. Young?—For the purpose of letting, and I valued it for the purpose of coming here before the Committee.

3415. I do not ask you for what you valued this for; for what purpose have you been in the habit of making valuations in the town of Carlow, you being employed in the gaol?—I have already told you.

3416. Did you ever give evidence before the registering barrister as to value?—Never, unless in the case of a tenant of my own.

3417. When did you go for the purpose of examining these premises in order to give your evidence here?—The 27th of April last.

3418. Pray are there other valuers here upon the part of Mr. Bruen?—There is.

3419. One more, or how many?—I believe there is only one person.

3420. Is he a professional valuer?—I do not know, indeed; but I think he knows the value very well.

3421. Is he a professional valuer?—He is not.

3422. He did not go with you upon this occasion, did he?—Not on the last occasion; but he was upon a former occasion.

3423. When did you go on the last occasion?—The 27th.

3424. The 27th of this month, do you mean?—Of last month.

3425. Did you see Quinlan there, the voter?—I did.

3426. Did Quinlan show you over his house?—Yes.

3427. Be so good as to tell me into what room of the house you went first?—Into the kitchen.

3428. And then?—Into the shop, and then into the bed-room.

3429. That is to say, into those two rooms?—Yes.

3430. What place did you go into then?—He came then round into the yard, and into the garden.

3431. You only went into those two rooms; is that so?—That is the only two that are in the house.

3432. I thought you said just now there was a loft?—Yes.

3433. Do you swear that?—I did not go into it.

3434. Where is it?—It is over the part that is set.

3435. Do you mean to say that loft is now, or has been since the alteration, in the occupation of Quinlan?—I mean to state, on my oath, it was in his occupation the day I was there.

3436. Did you go into it?—No.

3437. Did he?—No; but there was a ladder; the beds of his family were in it; I saw them there.

3438. How do you know they were his beds?—They could be no one else's beds.

3439. Do you mean to swear, on your oath, they were in his occupation; that loft was in his occupation?—I swear that it was in his house; that, to me, there appeared no other way of getting into it but through his house.

3440. Is that all the means you have of saying it is in his occupation?—That is all.

3441. Is not that loft over the gateway?—No loft at all over the gateway.

3442. Is it not over the room that is set to the other man?—It is.

3443. Now be so good as to tell us how high this house is from the ground?—I did not measure, but I think it is about 12 feet high.

3444. What is it built of?—It is built of lime and stone and mortar.

3445. How many courses of stone?—I do not know, indeed.

3446. Did you look?—Yes, I did; it is thatched over; we could not see the courses.

3447. How do you know it is built of stone?—Because I am sure of it.

3448. How

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3448. How do you know?—Because I saw the stone of the door-case.
3449. Is there a window in the kitchen?—There is.
3450. One or two?—One; and there is one on the end, looking into the loft.
3451. And is there a window in the bed-room?—There is.
3452. Is the house thatched or slated?—The house is thatched, and the bed-room is slated.
3453. And the loft is slated?—No; it is built at the rear of the house.
3454. Is it a lean-to, that other room?—No.
3455. It is not; is it a lean-to?—Oh, yes; that is, joined to it.
3456. It is a lean-to?—Yes.
3457. And the top of it is slated?—Yes.
3458. Was it built, can you tell that from the appearance of it, was it built after the rest of the house?—Yes.
3459. It must have been added to the house as a lean-to?—Yes.
3460. How much slate was there on the top of this lean-to?—Just what covered it.
3461. How much was there; what would the quantity of slate that is put on that lean-to cost; how many yards; what is the value of it?—I am just turning the matter in my mind; I think for about 5 *l.* it could be slated for.
3462. Are you at all acquainted with the cost of building houses in Carlow?—Yes, I am.
3463. What would it cost to build that entire house?—I think it would cost 50 *l.* to build the entire of it.
3464. That is with the lean-to?—Yes.
3465. Spick and span new; what state is it in now?—It is in very good repair.
3466. How long has it been up?—It was up as long as I remember it.
3467. Is it not a house of some considerable standing?—It is.
3468. If it would cost 50 *l.* to build it spick and span new, what would the whole house be worth to sell at this moment?—I do not know what you mean when you say to sell; to sell the materials?
3469. No, of course, not to sell the materials; I have been asking what it would cost to build the house; what would the house sell for now, at this moment; loft, lean-to, and all?—What ground-rent would you put on it?
3470. I am now simply asking you about the house, without reference to the ground-rent at all; what would it sell for?—I cannot tell what it would sell for; whether subject to the present rent; I do not know what the present rent is.
3471. You do not know what the present rent is?—No.
3472. Did you never ask the tenant what the rent was?—Never.
3473. You never asked Quinlan?—Never.
3474. All the times that you have been to the house, it never occurred to you to ask him what he paid for it?—I never did; I heard, though.
3475. Did you hear it from Quinlan?—No, I did not; I can't say I did.
3476. What is the value of the ground on which the house stands?—Why, I think the value of the ground, without the house at all, would be 4 *l.* or 5 *l.*
3477. Now tell me what that house, with the ground it stands upon, would at this moment, in its present state, sell for in Carlow with the lean-to?—Why, the house and garden —
3478. I am talking of the ground, which you say is worth 4 *l.* or 5 *l.*, and the house and the lean-to; what would it sell for now in its present state?—I confess I do not understand the question.
3479. You never heard of such a thing as a house being bought or sold?—Yes; I have bought a good deal, and sold some.
3480. Suppose this house, with the ground it stands on, which you have described as being worth 4 *l.* or 5 *l.*, were now to be sold, what price would it fetch in the market in Carlow; what would anybody give for it?—I don't think it would be more than 35 *l.* got for it.
3481. Ground and all?—Yes, that is placing a rent of 5 *l.* upon it.
3482. I am not doing any such thing?—Without ground-rent you would certainly get —
3483. What would you get without the ground-rent?—If it were in the market to-morrow, without any rent at all upon it, you would get 100 *l.* for it; house and garden.
3484. I told you not to take in the garden; I told you distinctly not to take in

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the garden ; I must have an answer to that question ?—I think you would get 70 *l.* for it.

3485. And 30 *l.* for the garden ?—Yes.

3486. Does that include Maher's part ?—No.

3487. Only his own part ?—No, only his own part.

3488. Let me be quite clear about this : you say that part of the house consisting of the kitchen, the back room, and the loft, would be worth 70 *l.* if it were to be sold to-morrow ?—That I am sure it would, and more.

3489. Will you say 80 *l.* ?—Yes, I will.

3490. Perhaps it may be worth 85 *l.* ?—I am sure it is worth 80 *l.*, and I am sure I would give it myself for it.

3491. And then you would give 4 *l.* for the ground it stands upon ; 4 *l.* rent, or 5 *l.* ?—I did not say that.

3492. I understood you, without the ground-rent you say the house would sell for 80 *l.* ?—Yes.

3493. And the garden for 30 *l.* ; is that it ?—Yes.

3494. That makes 110 *l.* ?—Yes.

3495. That is without the ground-rent ?—Yes.

3496. What is the ground-rent ?—I told you I did not know.

3497. What is the ground worth ; we shall get at it in that way ; the ground where the house is on ?—I think it is worth 5 *l.*

3498. £. 5 out ?—Yes.

3499. £. 5 would purchase it ?—Oh no !

3500. What do you mean then ?—Am I to understand you ask me what would be the ground-rent ?

3501. Take it which way you like ; take the ground-rent ?—The ground-rent would be 5 *l.*

3502. (By the *Committee*.) £. 5 a year, the ground-rent ?—Yes, without a house on it at all.

3503. The plot would be worth 5 *l.* a year for building ?—Yes.

3504. (By the *Committee*.) Merely where the house stands ?—Yes.

3505. (By the *Committee*.) Not the garden ?—No, not the garden.

3506. Now be so good as to tell the Committee how many square yards that house stands upon. What have you got there ; before you answer the question tell me what you have got there ?—It is the measure of the front of the house.

3507. (By Mr. *Wrangham*.) Is it a note you made ?—Yes.

3508. Then you have measured the front of the house ?—I have ; it is 28 feet long by 18 ; that is including the gateway.

3509. Now I have been asking you excluding the gateway ; how much land does the house stand upon, excluding the part that is set ?—I think about 20 feet.

3510. By what ?—By 18.

3511. You say 5 *l.* would be a fair ground-rent ; do you mean to say 5 *l.* would be a fair ground-rent for a plot of land 20 feet by 18 ?—

3512. Now be so good as to tell me what that plot of land would sell for for the purpose of building in Carlow at this time ?—It would set for that.

3513. What would it sell for ; what could you get for it ?—I have already told you.

3514. You have said a ground-rent of 5 *l.* would be the proper value ; what would the value of it be to purchase, or to sell out and out ; the fee of it ?—The fee of it ?

3515. At what would it be ?—I am quite certain you would get 50 *l.* for it, if you would not get more.

3516. Take the little book out of your pocket again ; I want to refer to it ; turn to the part you were referring to, and let me look at it, will you ?—That is it.

3517. Does that page contain it ?—Yes, the entire of it.

3518. Did you make these notes on the ground ?—I did not.

3519. Where did you make them ?—I made them here ; but I re-copied them.

3520. Have you got the originals ?—I have ; it was not very intelligible, unless to myself (*the Witness handed it in.*)

3521. This was made upon the premises, was it ?—Yes.

3522. Now be so good as to tell me what are the square contents ; that kitchen, what is the size of the kitchen ?—I did not measure the kitchen.

3523. What is the size of the bed-room ; of the lean-to ?—Altogether it is that.

3524. What

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3524. What is the height of the rooms?—I did not measure them.
 3525. Can you stand up in them?—Yes, quite right.
 3526. With your hat on?—Yes.
 3527. Without knocking the crown of your hat against the ceiling?—Yes; without it.
 3528. Could you do more than that?—Yes.
 3529. What floor was there in the kitchen?—An earthen floor.
 3530. Paved?—No.
 3531. A clay floor?—Yes.
 3532. What sort of floor is there in the lean-to, the bed-room, and parlour?—It is all the same kind of floor.
 3533. Kitchen and shop, clay floor; bed-room and parlour, clay floor?—Yes.
 3534. What sort of partition is there between the two?—Stone, lime, and mortar.
 3535. How thick; it is the outer wall?—Yes.
 3536. A doorway has been broken through that wall where the lean-to was built?—No, there are two doors in it; that is between the bed-room or parlour. The man told me, at the time he was building, he did intend to separate them, and I asked why he did so.
 3536*. Will you tell me who the landlord of these premises is?—I believe Mr. Fishbourne is the head landlord.
 3537. Is he the returning officer of the borough?—He is.
 3538. Is Mr. Fishbourne in town?—He is.
 3539. Is he outside here?—He is.
 3540. Did you observe what the state of the thatch was?—It appeared to be in a very good state.
 3541. Had it been recently repaired?—No; indeed it had not.
 3542. Do you mean to say that?—I do.
 3543. That there had been no recent repairs at all?—I did not perceive them.
 3544. You do not undertake to say there are none?—No.

Re-examined by Mr. *Wrangham*.

3545. This house is situate in Tullow-street?—Yes.
 3546. Is not Tullow-street one of the first streets in the town of Carlow?—It is not one of the first, but it is as good as any.
 3547. Is property and land for building purposes more valuable in the streets of Carlow than it would be in an inferior part of the town?—Certainly.
 3548. It would be, comparatively speaking, a high value?—It would; I do not think I have put a high value upon it.
 3549. You say, as I understand you, that the house and garden to sell would easily—readily was the phrase you made use of, produce 110 *l.*?—It would.
 3550. £. 80 for one and 30 *l.* for the other?—Yes.
 3551. I ask you whether you, having experience in these matters, whether house property which it would cost 110 *l.* to buy, is dearly let at 10 *l.* a year?—I do not think it is; in fact in Carlow they won't buy anything that they do not get 10 per cent. for, or more, in the house way.
 3552. You have told my friend that the loft over Maher's room, over the room that is set off, is in the occupation of the voter, Quinlan?—He decidedly can occupy it if he likes; he has nothing to do but to go up the ladder to it.
 3553. You were in the house?—Yes.
 3554. Did you see a ladder staircase, or whatever it may be called, mounting up through the trap-door into the loft?—No, the kitchen is not lofted, although it might be; it is high enough to admit it; but in the kitchen there stands a ladder going up into the loft.
 3555. So that the loft, in point of fact, is on a level with the upper part of the kitchen?—Yes; Maher's is the only room that is lofted. Suppose you were to build a wall from that bell-pull across here and here you had a ladder that went up on that, say about eight feet; the top is 'all exposed.
 3556. If that were the wall at the end of the kitchen, the ladder went up leaning against that wall (*describing*)?—Yes.
 3557. Into the loft opening through that wall?—Yes.
 3558. Was there a door in that wall opening into the loft, or was it entirely open, the gable end?—Entirely open into the kitchen.

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3559. That is to say, there was no partition between the upper part of the kitchen, except up to a certain height?—None whatever.

3560. And the loft over the room?—Not from where the loft commenced.

3561. And you saw the beds there in the loft?—Yes.

3562. My friend has asked you as to the flooring of these houses in Carlow; are the houses in Carlow generally laid down in marble floorings, or what is the usual method for flooring houses in Carlow of this description?—The usual description is earth; it is very seldom that you find anything else.

3563. And yet you consider a house of this description to be well worth from 10*l.* to 10 guineas a year?—I do.

3564. And would easily let for it?—I do.

3565. Did I understand you to tell my friend you had been employed to value other houses, that you have come here to speak to?—Yes; I did value other houses.

3566. You valued some other houses?—Yes.

3567. Did you value some of those houses to come and give evidence in support of the vote, and some as against the value?—No; I valued none as against value.

3568. Have you at other times ever valued them for the purpose of giving evidence either way?—No.

3569. My friend has asked you about the ground-rent of this house, what it would bear as a ground-rent; do you happen to know the ground-rent paid for sites of houses in similar circumstances, and of similar dimensions?—Yes.

3570. In the town of Carlow?—Yes.

3571. And does your knowledge of the fact enable you to put that value on the ground-rent?—And that is even a higher value; I am sure you would not get it even for 5*l.*

3572. (By Mr. *Austin*.) Would 6*l.*?—That is my own opinion; I thought it well worth 5*l.*; but I am sure more could be got for it; that is, in Tullow-street.

3573. This room behind that my friend talks of, the lean-to, you say there are two entries into?—Into the lean-to?

3574. Into the bed-room and parlour, through the kitchen?—There is two doors.

3575. You gave the reason why the two doors had been put?—Yes.

3576. You have been in the parlour and bed-room?—Yes.

3577. Was it a room of that size that would bear a division in any way?—It would, and a very comfortable room it was, and is.

3578. So that by merely putting up a wooden partition, there would have been, instead of two rooms, three rooms on the ground-floor?—Yes, and his kitchen is a very large one, and he might divide it too.

3579. What family has he, do you know?—The only part of the family that I know is the wife and son and himself.

3580. He is a boot and shoemaker?—He is.

3581. Does he drive a pretty thriving trade?—Yes, he is a good shoemaker and bootmaker.

Examined by the *Committee*.

3582. Do you know some houses belonging to a Mr. Curran, which were built six or seven years ago; Mr. Curran?—Yes, I knew a Mr. John Curran.

3583. Do you know some houses which belong to him?—Yes.

3584. How many years ago were they built?—Indeed I believe about three or four years ago; some houses he built at the Castle.

3585. Which do you consider most valuable, Curran's houses or the house now occupied by Mr. Quinlan?—Oh, the premises by Mr. Quinlan; one is quite out of the way, it is no thoroughfare at all; it is alone; he would not get more than 4*l.* or 5*l.* for them, and they are very nice little houses.

3586. You mentioned you had property in the town of Carlow?—Yes.

3587. What rate of interest, if I may be allowed to ask the question, have you obtained?—I never get less than ten.

55*l.* 10*s.* 6*d.* per cent.?—Yes.

3589. What distinction do you make between the value of houses and the ground-rent; how many years' purchase is the ground-rent?—House and ground-

rent

rent is high; the will not purchase them if they have not more than 10 per cent. *James Young.*

3590. One person is the owner of the house, and another of the ground-rent? —Yes. *10 May 1889*

3591. How many years' purchase is the ground-rent worth?—You might get, if the ground-rent is low, and in a very good situation——

3592. Take an average?—You may get 15 or 16 years for it.

3593. Fifteen or 16 years' purchase?—Yes.

3594. What is the usual way if a man takes a plot of land to build a house upon in such a street as Tullow-street; is it estimated by the square yard or plot?—Generally by the plot; the houses have been all built on, and you must get the plot there; there are not new plots at all.

3595. The size of the plot would decide the value?—Yes.

3596. So many square yards?—Yes.

3597. What do they reckon the square yard to be worth on an average there by the year?—They never set it by the yard or by the foot there; it is all by the plot.

3598. Still a plot must consist of so many square yards; what is it worth?—In Tullow-street?

3599. Yes.—That mode of calculation is quite new to me.

3600. It will be 18 feet by 20 feet, for instance, that would be 40 square yards? —I suppose it would be worth about 40*l*.

3601. At 16 years' purchase?—That is the ground-rent.

3602. The annual value?—Yes.

3603. That would be the freehold purchase?—Oh, no, I do not mean the annual rent you would have to pay.

3604. Eighteen feet by 20 feet contains 40 square yards?—I mean the front of the street; we do not calculate the back.

3605. Do you estimate by frontage?—By frontage.

3606. The frontage of 18 feet or 20 feet?—I am sure it would be 5*l*. or 6*l*. a year; frontage of 20 feet would be 5*l*. or 6*l*. a year; it might be more; in parts of it it might be more; you would get 10*l*.

3607. Where this thatched house is situated, what is it worth?—It is worth 5*l*. a year.

3608. Are the houses generally in Carlow covered with thatch or slate?—Indeed generally with slate; that is in that part of the street; the remainder is generally with thatch.

3609. What induces you to say that the house of Quinlan's is more valuable than one of those houses of Mr. Curran's?—Why, sir, Tullow-street is a main street; a street for business.

3610. Is Quinlan's house in the main street?—Quinlan's house is in the main street.

3611. Where are Mr. Curran's?—They are built round a castle.

3612. Mill-lane?—Yes, Mill-lane; that is a lane leading from a castle.

3613. Am I to understand it is the situation of the house that makes the difference in the tenure?—Yes.

3614. Is not Mill-lane a bye-lane?—Yes; no place for business.

3615. Is Tullow-street a proper place for a man who deals in turf to reside in? —I never knew a man that sold turf, except persons who sold it in their shops; I never knew a turf-yard there before.

3616. It is one now?—Yes.

3617. Does that show the street is improving in quality?—I think so; because it was a place he was likely to get a good sale for his turf he went there; there was no turf-yard in that neighbourhood.

3618. You think that if this man went out of this house, another tenant would be procured to pay 10*l*. a year for it?—Very readily.

3619. With the room separated?—With the room separated.

3620. You have seen the back premises as well; the four small houses?—Yes.

3621. At what do you estimate each of those houses worth annually?—Why, they were set when they were set at 1*s*. a week each in this back-lane, and it was the very worst lane in Carlow.

3622. I mean the four small houses attached to this property; the back houses? —They were set at 1*s*. a week; I know of only three.

3623. There are only three now?—Three and the turf-shed.

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3624. And they set for 1 s. a week each?—They were when they were set.

3625. What do you consider the value of the loft only?—Why, I suppose if you were to set it to a lodger he would get 9 d. or 10 d. a week.

3626. Does this man take in lodgers?—I did not see any one in ; I do not believe he does.

3627. What would you give for the house ; the whole house and yard, and four cottages, and the whole garden?—Altogether?

3628. Yes.—It would altogether be worth 18 l. ; three back houses.

3629. What is the garden worth separately?—I think it would be worth 3 l.

3630. The four sheds worth what?—You would get 3 l. for the garden ; but I will only place the value of two guineas upon it.

3631. Surely if ground is so valuable for building upon, the garden is worth more than 3 l. ?—It is in the rear of the house.

3632. Those houses at the back part of the town are not so convenient, and yet you said you could let them for 3 l. or 4 l. a year if you built on that garden ground which is behind Quinlan's?—You will, certainly ; provided you make an entry out of it again, it will increase the value ; if you were to make a street in it, it would be more valuable than Curran's.

3633. Have you ever been in that room that is now let to Maher?—I was.

3634. Since it was let off, or before?—Not since it was let off, but before.

3635. You do not know whether the mason has bricked up that side of the door?—It may be built inside for what I know.

Mr. *Wrangham* stated he did not make any difficulty about that ; he was willing to take it it was bricked up.

3636. Have you any idea what that room Maher occupies is worth?—What he holds?

3637. The room only?—I am sure he would get 1 s. or 1 s. 1 d. a week for that room ; but if it was detached, and a door broke open into the street, you would get more for it.

3638. (By Mr. *Austin*.) Is Maher's room worth 1 s. a week?—Yes.

3639. If it was Maher's interest as a turf merchant, why did he not break the door out into the front instead of the passage?—I do not know.

3640. Was there room?—There was.

3641. Plenty?—Plenty.

3642. How much is his share of the front less than the other man's ; the door is in the middle?—The door is not in the middle ; I should say the room is about 10 feet in front.

3643. And the other man has 10 feet in the front?—The room must be smaller ; I did not measure.

3644. They are pretty near equal-sized rooms?—No the kitchen is a great deal larger.

3645. You stated he had room to make a door, and there is a window?—I think a door would take nearly the whole of the front ; it was in the end he made it.

3646. Would the door take all the room free of the window, or do you mean the door would have made it necessary to remove the window, and to change the situation of the window?—I do not think there is plenty of room for a door besides the window.

3647. I asked you why he did not build his door to the front, if it was his interest to come to the front with his trade?—The turf does not require a shop ; it is a yard.

3648. The trade would do in any other street as well?—It would not do as well for him ; where the turf is generally sold there are turf-yards.

3649. Are there turf-yards round him?—They were.

3650. They drove him from that part of the town?—I believe he has a turf-yard there too.

3651. Do you know what portion of the garden is let off to Maher?—Just for the breadth of a car to go down.

3652. How much would you give for that portion of the garden ; how much rent would you give?—For the portion of the yard Maher has?

3653. For the garden?—I do not know of Maher having any of the garden.

3654. How much would you give for the garden altogether?—Altogether the garden is worth 2 l. or two guineas.

3655. How

3655. How much would you give for the part of the house Quinlan has?—
I think it is worth 8*l.*; I think it is worth guineas.

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3656. How much for the room that is parted off for Maher?—I think it is worth 1*s.* a week.

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3657. *£. 2. 12.*?—Yes.

3658. And for the three cabins?—The cabins at the rear of the houses?

3659. How much would you give for those?—When they were set they brought 1*s.* a week.

3660. When you are asked what you would give a year, do you mean to say you would give as much a year as what the house would fetch by yearly rents; I want to know the value of the parts let separately?—The part that is let to Maher, think is worth 8*l.* a year; the entire part that is let to him.

3661. Does that include the back houses?—It includes all.

3662. You are not aware any part of the garden is let to Maher?—I am not aware there is any part of the garden let to Maher.

3663. How much is there of garden ground altogether there?—About 16 perches, near half a rood; I do not mean what is occupied by the houses and yard.

3664. Are you estimating near half a rood of garden ground in that situation where you put 2*l.* or two guineas on it?—Yes.

3665. Then you say, the part of the house that Quinlan has is eight guineas?—Yes.

3666. Do you know the part that Maher has?—Yes.

3667. How much would you get for that?—I think it is worth eight guineas.

3668. And there are some sheds, loft, and out-offices?—No, not loft; and they are not let at present.

3669. How much are they worth a year?—I have included them altogether in Maher.

3670. You have said they are worth 1*s.* a week to let; how much per annum?—If you subdivide any house you will of course increase its value; if I have a house in Tullow-street, and I go and set it in rooms out that way, I might get twice as much for it as setting it to one person.

3671. I understand you Quinlan had let some to Maher; how much do you suppose Quinlan to have let to Maher?—He has let those three houses that were mentioned before, and this part of this room, and part of the yard.

3672. Not all the yard?—He has the right of passage to it; to the garden; Quinlan has. Then since Quinlan got it, since Maher has got it, he has built a shed, which must have increased the value.

3673. There were three houses before he built the shed?—Yes.

3674. What rooms do those houses contain?—I do not know; they are not large or small.

3675. Do they contain more than one room?—I am sure they do not contain more than one room.

3676. When you speak of Maher's tenancy to the worth of 8*l.* a year, you mean to include, first the room taken off from Quinlan's house, then the three little houses at the back part of the yard?—Yes.

3677. That is what you mean when you say Maher's tenancy is worth 8*l.* a year?—Yes.

3678. You said all the premises were worth 18*l.* a year?—Yes.

[The Witness withdrew.]

Francis Malcolmson, called in, sworn; Examined by Mr. *Wrangham*.

F. Malcolmson.

3679. PRAY, in what capacity are you employed; what calling do you follow?—I am a medical man.

3680. Do you act as agent for any gentlemen?—I do.

3681. For gentlemen in the neighbourhood of Carlow?—Yes; and I have property in the town of Carlow.

3682. Do you reside in the town of Carlow?—I do not.

3683. In the neighbourhood?—In the neighbourhood; in a neighbouring town.

3684. What is the name of that town?—Bagnal's Town.

3685. How far distant is that?—Seven miles; between six and seven miles.

3686. You have property in the town?—Yes.

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3687. Mention the names of any gentlemen you are agent for?—I am agent for Mr. Newton, Mr. Walter Newton, Mr. Robert, Mr. Doyle, and Mr. Garrat.

3688. Those gentlemen having property in and about the town of Carlow?—Mr. Newton has considerable property in the town of Carlow.

3689. Do you, from the circumstances which you have mentioned, feel yourself competent to speak to the value of house property in the town of Carlow?—I would so consider myself, particularly so as to house property in the town of Carlow, my own property being principally house property in the town of Carlow.

3690. Do you know the premises of Thomas Quinlan, in Tullow-street?—I do.

3691. Is Tullow-street an advantageous situation for a person carrying on a trade?—I would consider it very much so in Carlow for business.

3692. Have you any doubt?—I lived in Tullow-street, in business with my brother.

3693. When did you leave Carlow; how long since?—A good many years; 12 or 15 years ago.

3694. You have resided in business there?—I have.

3695. For some time?—Yes.

3696. I need hardly ask you whether or not, in your judgment and to your knowledge, house property and frontage land is not more valuable in that street than in other portions; than the same quantity would be in other and more retired parts of the town?—I think it is than in more retired parts.

3697. You told me you knew Quinlan's premises?—I do.

3698. Do you ever remember going over those premises, with a view to affix a value on them, in company with James Young, the last witness?—I do.

3699. Did you set a value on those premises at that time with James Young?—We did.

3700. Did you compare notes together, and agree on a value between yourselves?—I cannot positively swear as to that: that we compared notes. We each made our valuation.

3701. Did you communicate to each other the valuation each had made?—I have no recollection.

3702. When was it that you went?—The 13th of September 1837.

3703. At that time what did the house consist of?—At that time the house consisted of three rooms below, half lofted, two windows in front.

3704. Do you mean the loft went over half of the house?—Yes.

3705. Was that loft open at the end to the interior?—It was; and ascended by a ladder.

3706. At that time, you say, there were three rooms?—Yes.

3707. Have you seen the premises since; any portion, since that one room has been let off?—I have not.

3708. You remember the room?—I have seen the premises, but I have never been on them since.

3709. You have been on the premises?—I was through all the rooms.

3710. I mean the room abutting on the gateway?—I was through three rooms.

3711. Be kind enough to put out of the consideration altogether the little room which is at the gateway end of the house?—Yes.

3712. Do you know which I mean?—I do; was that the workshop?

3713. There is, as we have been told, one room to the front; a largish room, which is used as a kitchen and shop at present; and a room behind that, which is used as bed-room and parlour?—Yes.

3714. Then at the end towards the gateway there is a small room, which is lofted over; does that recall it to your recollection?—At the time I viewed the premises the entire of the three rooms were about half lofted over.

3715. Did I understand you to say that you and this gentleman agreed or differed in your valuation?—I do not think we either agreed or differed, as well as I can recollect, upon it.

3716. Tell me what the valuation was that you put upon it, if you can do so?—In what point of view; as a yearly tenant, or upon lease?

3717. As a yearly tenant; to take it from year to year?—Take off, what is it? you desired me to take off something.

3718. Take off that room at the end, which abuts on the gateway; there is a room partitioned off at the end, which abuts on the gateway?—I know.

3719. Take that one room out of your consideration, and then tell us what the value of the rest of the house, supposing that to be separated off, and the door

between

between to be bricked up; what the value of the rest of the house would be, in your judgment?—That is, the two rooms.

3720. The two rooms with the loft?—And garden?

3721. First of all be good enough to give it as I ask you; of the house without the garden?—A distinct valuation?

3722. What the house would be to let without the garden, taking off the end room, bricking up the door between that end room and the rest of the house?—I would say about 8 *l.* a year.

3723. Do you think that would be a fair rent for it?—I think it would.

3724. Do you think it is a rent that would be reasonably and readily obtained?—I consider so; I think I have houses that I receive rent out of much about the same value.

3725. Having been good enough to tell me about the house, will you tell me what the garden—do you know the garden?—Yes.

3726. How much of there is it?—The garden is 13 perches by 8.

3727. About half a rood?—It is not quite half a rood; it is something about half a rood.

3728. Rood Irish, or rood English?—I value it as Irish land; I have not made a calculation; it is 13 perches by 8.

3729. (By the *Committee*.) You speak of Irish measure?—Yes.

3730. Speaking roughly, not having measured it, you take it to be about half a rood Irish?—I think about that; it is 13 perches by 8; it is very easily calculated; 13 perches long by 8 yards wide.

3731. What value do you put on that garden?—I would say that the garden, with the entrance in front from Tullow-street, would be cheap at 4 *l.* a year.

3732. When you speak of the entrance at Tullow-street, do you mean with a right of entrance from Tullow-street?—Yes.

3733. Not with the possession of the ground of that yard, or lane, or whatever it may be?—I do not think that would be any acquisition to the individual holding it, the right of ingress and egress.

Cross-examined by Mr. *Austin*..

3734. Did you go with Mr. Young to see these premises?—I did.

3735. Did you make that note at the time?—I did.

3736. Let me look at it, will you?—Yes. (*Handing it to the learned Counsel.*)

3737. I see you put down no sum for rent or value in your note; you only put down measures?—Yes, that is all.

3738. Did you ascertain what the rent was from Quinlan?—I did not.

3739. Did you ask him?—I did not.

3740. Did you examine the premises thoroughly?—Minutely.

3741. Two rooms?—Three.

3742. How do you make that out?—There were three rooms in it.

3743. Two rooms and a loft?—No; three rooms below stairs.

3744. Was that including the room that now belongs to Maher?—I presume so.

3745. That was before it was parted off?—I do not know anything about parting it off at all.

3746. It was previous to the last election, was it?—Yes.

3747. Was that for the purpose of giving evidence on the Election Committee?—I was asked to do so, and I presume it was.

3748. Have you any doubt it was for the purpose of giving evidence before the Election Committee?—Upon my word, I have not; if it were necessary—

3749. Do you know how much it would cost to build a house of this sort?—Build a house of what sort?

3750. Of this sort; we are speaking of a house now?—In Carlow; yes, I think I ought to know something about houses.

3751. What would it cost?—I think I would build as good a house in the town of Carlow for about 50 *l.*

3752. What would that house be worth to sell now in its present state?—In what way; do you mean the fee-simple of it?

3753. Yes.—You mean the fee simple of the garden and the house?

3754. No, sir, the fee-simple of the house?—Unconnected with the garden?

3755. The fee-simple of the house?—Let me understand you: am I to value the house apart from the garden?

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3756. I am asking you nothing about the garden. First I have asked you what that house would cost to build ; I now ask you what that house in its present state would sell for ; that is surely a simple question ?—It is, a very simple one.

3757. Then be so good as to answer it ?—I think it would not be worth more than 50*l.* or 60*l.* ; I do not think the fee would be worth more than from 50*l.* to 60*l.*

3758. £.50 or 60*l.* ; that is a considerable variation ; can't you give something nearer than that. Would it be 50*l.* or 60*l.*, or a sum between ?—I would give 50*l.* myself for the fee of the house.

3759. Does that include the ground-rent ?—That includes the fee.

3760. Everything ?—Everything.

3761. Ground-rent, of course ?—Of course.

3762. The ground on which it stands ?—The ground on which it stands.

3763. £.50 you would give for the house and the ground on which it stands ?—Yes.

3764. In its present state ?—In its present state.

3765. That includes the entire house ; is that so ?—Yes.

3766. The three rooms and the loft ?—Yes.

3767. Have you seen the house since one of the rooms was severed from it ?—I have seen the house, but I have not been through it.

3768. Let me distinctly understand you : when you told us just now that 8*l.* a year was what it would be worth, did that include Maher's room, which has now been severed ?—No.

3769. It was the two rooms ?—The two rooms.

3770. And the loft ?—Yes.

3771. What would the three be worth ; the whole house. If this is worth 8*l.* a year, what would the entire house be worth ?—I would value it at 10*l.* a year ; perhaps I might go as far as guineas : I should consider that the full value for it.

3772. Would eight guineas be high for the other two, or reasonable ?—I would consider 8*l.* a year reasonable.

3773. Eight guineas, high ?—The difference cannot make much difference.

3774. What should you think the entire rent for the premises ought to have been originally at a fair valuation, the whole house and everything else there you saw in the possession of Quinlan ?—Including the garden ?

3775. Yes, everything ?—The garden, yards, and out-offices ?

3776. Yes, everything ; what was the value of the entire ?—If I had them to let, I would let them for 18*l.* a year.

3777. Would you give 18*l.* a year for them ; do you mean, then, supposing you wanted to have them, would you give 18*l.* a year for them ?—They would not suit me.

3778. Suppose they did, would you give 18*l.* a year ?—If I wanted a thing of the kind I would, and a place for business.

3779. Did you see the state of the room in which the shoemaking was carried on ?—I saw all the rooms.

3780. What sort of business was Quinlan carrying on there ; a large business ?—No, not apparently.

3781. Was it not a very small, inconsiderable business ?—Indeed, I do not know anything about his business.

3782. You went into the room ; did you look about it ?—I did.

3783. Did you see implements of his trade about ?—There were implements.

3784. Was there leather, and were there shoes and things of that description about ?—I have no recollection of seeing any person at work when I was there.

3785. Did you see any shoes or leather, or any implements of trade ?—I cannot charge my memory.

3786. You cannot say, therefore, what extent of trade the man was carrying on there ?—I have no idea.

3787. You do not know his rent, and you do not know the extent of his trade ?—I do not.

3788. Do you know to whom the property belongs ?—Not at that time.

3789. Do you know now ?—I have been told.

3790. Do you know Mr. Fishbourne ?—I do, well.

3791. Is he here ?—He is.

3792. Did you observe the back offices ; did you take notice of them ; the out-offices, or whatever they were ?—Yes, I did.

3793. There

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3793. There were four of them, we hear; is that so?—Upon my word I cannot say; I do not recollect the number.

3794. Do you recollect what description of buildings they were?—Indeed I fancy they were very ordinary.

3795. How much would they let for each per week?—The back offices?

3796. Yes.—I cannot put values on them; I did not charge my memory with the state of the offices, so as to put a value on them.

3797. Do you include them in the general estimate of 18*l.* a year?—I do.

3798. How do you arrive at that estimate, if you cannot tell what the amount of the offices is?—I valued the house, garden, and the premises; I consider the valuation I now place on the premises, if there were no outhouses at all upon it, would not be beyond the value.

3799. Then 18*l.* you think they would be worth without the out-offices?—I think they would; I cannot charge my memory as to any value the out-offices was.

3800. Do I understand you: you do value them without taking the out-offices into consideration?—I value the entire premises altogether.

3801. Do you value the premises without taking into consideration the out-houses, when you say 18*l.* is a fair rent?—I did; because I did not place any value for those offices.

3802. Then it is without considering those offices at all?—Yes; I did not take them into my consideration.

3803. Could you let them for 1*s.* a week each?—I could not place any value on them; I did not take any notice of the state of repair they were in; I cannot, and I will not.

3804. Let me look at your note-book again, will you; have you got them down here?—No, I have not.

3805. Let me ask you, did you come prepared here to speak to the value of these premises; did you come from Ireland prepared to speak to the value of the premises on this occasion?—I do not know what you mean.

3806. Did you come over on the last occasion?—No, I have never been in London before.

3807. Did you know when you were coming over from Ireland on this present occasion, you were to speak to the value of these premises?—No.

3808. Did you know it yesterday?—I did not know it an hour ago.

3809. When did you first know it?—I fancy about half-past two; between one and two o'clock.

3810. Did you see Mr. Young about the Lobby?—I did.

3811. Had you any conversation with Mr. Young about half-past two; since that time?—Mr. Young was under examination before I came.

3812. Then you had no conversation with him?—Not the least, further than I was passing out and he was passing in; I asked, did he bring his notes with him, and he said he did.

3813. Is that all that passed between you and Mr. Young when he came in?—Quite so.

3814. Had you any conversation with any other person on this subject as you came in?—Mr. Bates spoke to me on the subject.

3815. Tell the Committee what Mr. Bates told you on the subject?—He asked me if I had my notes.

3816. What else did he tell you?—He did not tell me anything particular.

3817. Tell the Committee everything he did say to you on the subject?—He said nothing to me; only asked me if I knew the premises; if I had my notes.

3818. Did he ask you what value you put on the premises?—Yes, he did.

3819. Did he tell you what value Young had put on the premises?—He did.

3820. What did he tell you; what value did he tell you Young had put on the premises?—I think he told me 26*l.*

3821. How much?—£. 26.

3822. £. 26 on the entire premises?—That is my impression.

3823. Did he tell you what value Young had put on the premises by the year?—He did not.

3824. What else did he tell you; tell the Committee all that passed between you?—I cannot charge my memory with anything else.

3825. Did he ask you what value you put on the premises?—Well, I think he did.

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3826. Have you any doubt he did?—Upon my word I have a doubt.
3827. But you think he did?—I think he did.
3828. Did you answer him?—I did.
3829. What value did you tell?—I think I did.
3830. What did you tell him?—I think I told him 12*l.* a year for the house; from 10 *l.* to 12 *l.*
3831. Have you any doubt you told him from 10 *l.* to 12 *l.* for the house?—That is my impression.
3832. Have you any doubt of it?—I have not.
3833. When you said just now you think you did, but you were not certain, explain to the Committee what you meant?—About what; put the question again; I do not understand you.
3834. You told the Committee just now that you thought Mr. Bate had asked you the value, but you were not certain; now you tell us you have no doubt he did ask you the value, and you told him from 10 *l.* to 12 *l.* a year?—I do not know that he exactly asked me what value I would place upon them.
3835. What did he ask?—He asked me, if I had placed a value on them in my note-book, and I told him I had not.
3836. Did he not tell you what value Young had put on the premises?—Just as Mr. Young was going out and I was coming in, he then told me.
3837. He did?—He did.
3838. Did you not, at that moment, go back from the door with him?—With who?
3839. With Mr. Bate; take care?—From what door.
3840. You say you were coming to the room?—Yes.
3841. Did you not, on that occasion, step back from the door with him?—I have no recollection of doing so.
3842. Try and revive your recollection, and tell us whether you did or not?—I do not think I did; I have no recollection of it whatever; I have no recollection of having done so whatever.
3843. Now, will you be so good as to tell the Committee whether Mr. Bate did not inform you what sum Mr. Young had put on the premises?—I have already stated that he did so; I have already stated three times that he did.
3844. Did not you tell Mr. Bate that you could not support that estimate, Mr. Malcolmson; did you not say that you could not support that estimate?—My impression is, that I said something tantamount to it; that I could not place so high a value on it.
3845. As what?—As Mr. Young did.
3846. Have you any doubt you did say so?—No, none whatever.
3847. That is what you call your impression; you have no doubt whatever you did?—Yes.
3848. What was the estimate you could not support?—£. 26. Mr. Young lives in the town of Carlow, and has a good deal of property there, and is a better judge of value of this kind of property than I am.
3849. Let me put this question: did not Mr. Bate tell you that Young had sworn to 8*l.* for the house, and 2*l.* for the garden?—He did not.
3850. Did he not tell you that Young had sworn the house was worth 8*l.* or guineas?—He did not; nor I would not suffer Mr. Bate to dictate to me what I was to swear.
3851. I am only asking as to a fact?—It is not the fact.
3852. When you told Mr. Bate that you could not, did not Mr. Bate tell you that you must support it?—He did not, and I tell you I would not suffer it; nor would I any man; I come here to speak the truth, and I would not allow any man to stretch my views.
3853. I am asking, as a matter of fact, if he did not tell you so?—It is not a fact.
3854. I ask you whether it be a fact or not?—It is not a fact.
3855. He did not tell you so?—He did not; not that I should do so.
3856. Whatever it was that passed, was it just before you came into the room?—It was.

Re-examined by Mr. *Wrangham*.

3857. This took place just before you came in here, I understand?—That moment.

3858. Did I understand you to say that your impression was, Mr. Bate said that Young had spoken of 26 *l.* a year for the premises?—That was my impression; he said it in a hurried way; Mr. Bate spoke to me, and that is the impression of what he conveyed to me.

3859. Whatever it was, you understood it to be saying Mr. Young had put the premises at 26 *l.* a year?—Yes.

3860. Did you, upon that impression, say that you would not, and could not support that estimate?—I did; that I thought it was a high estimate.

3861. And so far from Mr. Bate telling you you must support it, or attempting to tell you so, you would not submit to him or any other man stretching your conscience?—I say it distinctly, and I wish it to be understood so.

3862. You had been employed in September 1837; you had been commissioned in September 1837 to examine these premises, with a view to giving evidence?—Yes.

3863. On a previous Election Committee for this borough?—Yes.

3864. Was Mr. Bate the agent, do you know, on that occasion for the present sitting Member, Mr. Bruen?—I think he was; I never had anything to do with elections before.

3865. Are you aware, in point of fact, whether Mr. Bate knew you were then to have been a witness as to the value of the premises?—My decided opinion is that he did not; I never spoke to Mr. Bate in my life, until I spoke to him this time in London; I have no recollection of having done so.

3866. You say you were not aware, until two o'clock to-day, your evidence would be required on this vote?—Between half-past one and two o'clock.

3867. Were you, before to-day, aware that this vote would be called on for trial?—The very reverse; I was most anxious to get home, and wrote a note to that effect to Mr. Bate that he might let me home, thinking I had no business whatever here.

3868. Were you aware, until that time to-day of which you speak, that Mr. Bate asked you questions, that this vote would come under consideration this morning?—I had not the most distant intelligence of it.

3869. My friend has asked you about speaking to Mr. Young; have you, since the time when you knew you were to be a witness on this vote, had any communication, direct or indirect, with Mr. Young as to the nature of the evidence you were to give?—None whatever.

3870. I think you have stated you put down measures in your note-book?—Yes.

3871. And not rent or value?—Yes.

3872. Tell the Committee why it is you have not entered any money value in your note, and only the measures?—I had no particular reason.

3873. Does the measure enable you to affix the value, as if the sum was put?—The extent of the concerns, with the house upon it, quite enables me now to put a valuation upon it as well as then.

3874. The notes you have, then, enable you to value as well as if you had price instead of dimensions?—Yes.

Examined by the Committee.

3875. You have stated you could have built Quinlan's house for 50 *l.*?—Yes.

3876. And that if the freehold of it was sold, that it would sell for 50 *l.*?—Yes.

3877. What do you value the land; if there was no house on the land, what do you think the land would be worth?—Simply the land the house stands upon?

3878. Yes.—I think it would be worth 50 *l.* or 60 *l.*

3879. Don't you reckon the land more valuable with a house upon it than it would be without a house?—I valued in this way by the year: I would place one valuation upon it as a lease, and I would put another value on it for purchase.

3880. Repeat that?—I put two valuations on it; I would value it by the year in one point of view, and the purchasing it in fee in another.

3881. You mentioned that you valued the house at 50 *l.*; the freehold of the house; the fee-simple you valued at 50 *l.*?—I say I would value the fee-simple of the house at 50 *l.*

3882. Including the land on which it stands?—Of course the land on which it stands.

F. Malcolmson.

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3883. How much do you value the land on which the house stands; suppose the house was not built?—If there was not a stick on it I would give 50*l.* for it.

3884. Then the house is not worth much of itself; do you convey the idea the house is not worth much?—To set the house at a yearly tenancy, it would be worth what I state.

3885. You have the measures of the house?—Yes.

3886. Have you the measure of the loft up stairs?—The half of the concern was lofted; half the three rooms I consider were lofted.

3887. There is the house attached to it, which is only a bed-room by itself; then there are two rooms on each side of the door?—Half of that was lofted.

3888. Not half the three?—I will not swear that.

3889. The loft was over the part that is now let?—I do not know the premises that are let.

3890. Do you know whereabouts the front door was; was it about the middle, or at either end?—The front door, I conceive, was rather in the centre; then there was a gateway from the main street.

3891. At the centre of the building; was the front door in the centre?—I cannot positively swear.

3892. Nearly so?—Nearly so.

3893. How near to the door was the wall partitioned off; the room on the one side?—Then there was the gateway.

3894. How near is the wall to the door inside that divides the two rooms; the house is divided somewhere near the centre?—The gateway is taken off by a partition wall, making an entrance from the street to the garden and yard.

3895. The gateway is not a lane, as has been described by some of the witnesses, but is under the house?—I consider it a large gateway.

3896. Is it under the house, or is open to the heavens above?—I think it is under the house.

3897. Are you certain of it?—I have no doubt of it.

Examined by Mr. Austin.

3898. You have no doubt the gateway is under the house?—From the best opinion I can form it is under the house.

3899. Whether it is under the house or not, is there a lane leads down through this gateway?—Yes.

3900. The door opens out of that road into the gateway?—Not at my time.

3901. What size is the room compared with the kitchen?—I have not the distinct measure of the rooms.

3902. What measures have you?—Merely the measure of the premises.

3903. The frontage?—The frontage and rear, and the number of rooms in the house.

3904. (By Mr. Austin.) Which is the bigger room; the kitchen room or the room now parted off?—I cannot answer that.

3905. Have you any idea what difference there is?—I have not.

3906. (By Mr. Wrangham). An honourable Member asked some question with reference to 50*l.* value as to the house; when you say 50*l.* for the fee of the house, do you mean for the fee of the house subject to the payment of ground-rent?—

3907. (By the Committee.) Do you mean 50*l.* as the fee-simple of the house, subject to the payment of the ground-rent?—I do not know what the ground-rent is.

3908. You were understood to state to the Committee, in answer to the question as to the value of the land on which the house was situated, without the house at all; you were understood to state, the land on which the house was situated was worth 50*l.*; was that correct?—I consider that to be the value.

3909. You were understood to state, in another answer, the land on which the house was situated, with the house upon it besides, was worth 50*l.* also?—I did not mean to state that.

3910. Did you mean to state that or not?—I did not.

3911. State to the Committee the value of the land on which the house is situated, together with the house upon it?—What I meant to communicate was this: that I considered the fee-simple of the ground on which the house stands would be worth 50*l.*

3912. What

3912. What do you mean to state as the value of the land with the house upon it; the fee-simple; the land and the house altogether?—I might consider that worth 70*l.*, if you put the house on the land; the fee-simple of the house, and land together, I would consider as cheap at 70*l.* a year; that is not including the garden.

3913. What do you think the land on which the house stands would be worth if let by the year; what would be the annual rent of the land on which the house stands without a house upon it; the ground-rent?—Eleven yards in frontage?

3914. You must deduct the gateway from that?—That is optional with me; I am valuing it as land now.

3915. Putting that sort of house upon it; the simple land on which the house stands; assuming the house stands on 18 feet on the front and 20 to the rear, how much is that land worth a year to let?—Well, you put the question again.

3916. Assuming the frontage is 20 feet?—There is 11 yards in the front.

3917. Is the whole 11 yards built on in front?—That includes the gateway.

3918. That is not built upon?—No.

3919. There is 20 feet in front that is built upon?—I fancy there is more.

3920. If 20 feet in front by 18 to the rear, what is that worth a year to let; if that land was yours, and some one wanted to build a cottage on it, what would you charge?—I would not let it under 6*l.* a year.

[The Witness withdrew.

[Adjourned till To-morrow, at Eleven o'clock.

Sabbati, 11^o die Maii, 1839.

GEORGE GROTE, Esq., IN THE CHAIR.

The Names of the Members called over;—All present.

The room was cleared.

The Committee deliberated.

Counsel and agents were called in, and the *Chairman* stated he was instructed by the Committee to make a remark, in consequence of the evidence which came out yesterday afternoon. It appeared by the evidence of Mr. Malcolmson, that the agent for the sitting Member, Mr. Bate, had made a communication of the substance of what had been stated by the previous witness, Mr. Young, and the Committee had instructed him (the Chairman) to express their disapprobation of any such statements being made to witnesses by the agents of either party, and to express their hope that no such communications would be made in future.

Mr. *Wrangham* wished to say a word in regard to what Mr. Bate had done.

Mr. *Austin* protested against Mr. *Wrangham* being heard at present.

The *Chairman* stated the Committee desired the case to proceed.

James Young; called in, sworn; and Examined by the Committee.

3921. I THINK you stated yesterday that you were not present in this room above five minutes during the time of the proceedings of the court on the first day?—No, I was not.

James Young.

The *Chairman* stated it was the witness of the name of Lennon who had been examined to that point.

3922. What part of an acre is a rood in Ireland?—Twenty square perches.

3923. A rood is a quarter of an acre in this country?—Yes.

John Lennon.*John Lennon* again called in and sworn ; Examined by the *Committee*.

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3924. You stated yesterday you had not been more than five minutes in the room during the proceedings of the court on Thursday ?—On Wednesday.

3925. Do you mean to say you were not more than five minutes present ?—I thought about five or eight minutes, five or eight minutes I said.

3926. Are you quite certain you were not longer than eight minutes ?—Indeed I am ; and I do not think I was near as long.

3927. Did you look at your watch ?—I did not ; because I had ne'er a watch.

3928. Do you like to hear this discussion going on ; is it more pleasant to be in the room than out of it ?—Then I would rather be out of it.

Mr. *Austin* requested a Member of the Committee to recall Maher to speak to the occupation of the loft.

Mr. *Wrangham* was heard to object to the witness being recalled.

The *Chairman* stated if any Member wished to recall the witness he could do so.

A Member stated his intention to do so.

Patrick Maher, recalled and sworn ; Examined by the *Committee*.

Patrick Maher.

3929. You took those premises of Quinlan in May 1838 ?—Yes.

3930. What were the premises you took ; what did they consist of ?—I took a room with a loft over it, belonging to the front house in the street.

3931. One room with a loft over it ?—Yes.

3932. What more ?—A gateway going into the yard.

3933. Did you take the gateway also ?—Yes, and four houses belonging to the concerns outside, the whole concerns.

3934. Anything more ?—A piece of the garden and the loft that I took over the room ; I was to put a partition in in a few days after I had taken it, and as it was not convenient for me to put it up (I was thinking of it from day to day) I threw lumber in it, and it remained in my own possession ever since until I set it.

3935. Why were you to put up a partition there ?—Because I would not be interrupting Quinlan in the little part that he had of his own ; it was so small.

3936. What little part do you refer to ?—The kitchen of his holding.

3937. Was the loft open to the room that you took, and to the kitchen also ?—Yes, at the time I took it, and then I stopped up the room-door that led from his kitchen into this room ; but then I had not time to put up the partition that was over that, to stop up the loft.

3938. Was the loft open both to the kitchen and to the room which you took ?—Yes, at the time I took it.

3939. Was it open then at two ends, or at one end ?—At one end.

3940. Then did Quinlan and you get into the loft by the same passage ?—Quinlan had no call to go to the loft ; it remained in my own possession.

3941. Could Quinlan get into the loft when the partition was not up ?—He could, if he went to look for a ladder to go in on it, he might ; but I would not allow him to go there, because he would annoy me, I being under the loft in the little room.

3942. How could Quinlan get into that loft ?—By a ladder.

3943. Where was the ladder placed ?—There was no ladder in it, unless he went to look for one.

3944. Where was the opening into this loft ; was it in the room that you took, or in the room that you left with Quinlan ?—It was in the room I left to Quinlan.

3945. The entrance to that loft was through Quinlan's room ?—Yes.

3946. And there was no entrance but through the room ?—No, unless I broke down the loft to get into my own room.

3947. There was only one entrance in the loft ?—Yes.

3948. And that entrance was through Quinlan's room ?—Yes ; but then I kept it occupied by leaving my furniture upon it.

3949. You kept it occupied by leaving your furniture upon it ?—Yes, the whole time I held it.

3950. If

3950. If you had put up the partition, how would you have got in?—I would have broke a hole or a stairs up to it. *Patrick Maher.*

3951. When you put your furniture into that loft, you took it through the kitchen that was left to Quinlan?—Yes. 11 May 1839.

3952. What do you mean by a gateway going into the yard?—A pathway for a car or cart to go down into the yard, and to the back concerns with it.

3953. Which side of the house was that?—On my side, at the room I hold.

3954. As you were standing at the door, was it to the right or left?—As I came out of Quinlan's house, it was to the left.

3955. Was it next to your room?—Yes, adjoining the room.

3956. (By Mr. *Wrangham*.) What furniture had you in that loft?—I had bedsteads in it, with part of other lumber, I can't exactly tell what they are; and I had some farming utensils along with the bedstead.

3957. Were there any clothes on the bed?—No.

3958. Did you make use of the loft as a place to sleep in?—I did not.

3959. Were the bedsteads put together, or were they lying like lumber there?—They were lying like lumber.

3960. Why did you not put the partition up?—I can't exactly say; I was not prepared to do it; I thought it would cost me too much, as I had not money to do it, and the place being so despicable from the bad prospect; I did not think it worth my while to put up a partition in it.

3961. It was a dirty, low neighbourhood, was it; a dirty sort of a place there?—Yes.

3962. You did not wish to stay in it?—I did not; I knew I could not, because the place was out of repair; his and mine.

Mr. *Wrangham* :—Will some Member inquire if he has not had conversation with any one on his evidence yesterday since he left the room?

3963. Have you talked to any one yesterday about your evidence?—No.

3964. Has anybody talked to you about your evidence?—No, no.

3965. Not a person?—No.

3966. How came you here; how happened you to come here this morning?—I was called here.

3967. Who called you here?—I can't tell; some person came out and called me in.

3968. Who told you to come down here this morning at all; to come down to this place?—I can't exactly say; I was told by every one where I stopped; the most of them.

3969. You came, all of you, down, I suppose?—Yes.

Mr. *Wrangham* :—Will the witness take on himself to swear that he has not heard from any person, I do not care who it is, anything with reference to the end of the loft being open?

3970. Can you swear you had no conversation with anybody at all, nor heard anybody at all ask you any question, or tell you anything at all about the loft since yesterday?—There was talk about it; nothing advising me to say anything, but asked me the way it was; the state it was in; the same way I explained it.

3971. Who asked you that?—I think it was Mr. Fitzgerald that spoke something about it.

3972. That gentleman?—Yes.

3973. When?—I think it was to-day.

3974. What did that gentleman ask you?—I cannot exactly say; he asked me, "Was the loft open?" He asked me, "Did I occupy the loft myself?"

Examined by Mr. *Wrangham*.

3975. Where was it that conversation passed?—At his office.

3976. This morning?—Yes.

3977. How came you to tell the Committee just now you had no conversation with anybody on the subject of this matter?—No more I have not.

3978. What do you call that?—He asked me, "Was the loft open?" and I told him it was.

3979. Is not that a conversation; don't you call that a conversation?—I do not know.

3980. Did he not speak to you, and you to him?—I told him it was open when he asked me.

Patrick Maher.

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3981. Did not he speak to you, and you speak to him?—But I told you he did not advise me to anything, but only asked me that; he asked me whether the loft was open; I said it was.

Examined by the Committee.

3982. Did Mr. Fitzgerald, when he spoke to you on the subject of the loft, mention to you anything which had been stated in evidence here by any other witness?—No, Sir, I do not recollect it.

3983. Are you positive of that?—I am; I do not recollect it.

By Mr. Wrangham :—Whether he was not told the witness had said the loft opened into the inner room, into Quinlan's room?

3984-5. Did Mr. Fitzgerald mention to you any other witness had said the loft opened into an inner room?—No.

3986. Did Mr. Fitzgerald, when he spoke to you, mention you were likely to be called here again on this question of the loft?—He did; he did not tell me I was likely to be called; he told me to attend.

3987. Did he tell you to be particular about anything you said?—No, but to be particular to attend at 11 o'clock at the House of Commons to-day; that is what Mr. Fitzgerald said.

3988. What rent do you pay Quinlan for the premises you occupy?—£. 8. a year.

3989. And you have let them since at the same rent?—Yes.

3990. Do you think 8*l.* a year the full rent?—I do; I think I was getting a full value for them.

3991. Which do you think the most valuable, your premises, or the premises at present occupied by Quinlan; which is the most valuable?—I think mine is worth double the value of Quinlan's; I am sure of it.

3992. What do you think Quinlan's worth?—£. 4 or 5*l.*

3993. What do you think the garden occupied by Quinlan worth?—I think the garden, what little part he holds, I calculate the whole together between 4*l.* and 5*l.*, with the bit of a garden.

3994. Suppose the house were to let without the garden, what would Quinlan's house let for without the garden; the part that he occupies?—I suppose about 3*l.* a year.

3995. Do you know some houses belonging to Mr. Curran?—I do not know.

3996. Do you know the houses?—No.

3997. Is Quinlan's house in one of the best streets, or a middling street, or what sort of a street?—The upper end of it is a very bad street of business; where Quinlan's house is it is a very bad street of business; not worse in Carlow, with the exception of some back lanes; that is the upper end of the street; I do not mean any other part of it.

3998. Is there a shop within 20 doors of it, in business?—Public-houses within five or six doors of it; within seven or eight doors there is one.

3999. Any shops of any kind?—And there is Mr. Collins's inn, and Mr. Paul's is a brewer at the corner.

4000. Are there any shops?—There are no shops.

4001. There is Mr. Collins's inn and Mr. Paul's brewery which you say are very close to Quinlan's house?—Within 10 or 12 perches of it; something that way.

4002. You sell turf?—Yes.

4003. You have two places open for the sale of turf, have you not, in Carlow?—No; my father holds one in Bridewell-lane, and I hold another there.

4004. And this you have given up?—Yes.

4005. Was the trade good or bad; why did you give it up?—I was losing by it.

Mr. Austin :—I tender Mr. Fitzgerald to the Committee to be examined with reference to any conversation.

Mr. Wrangham stated it had been understood from the commencement that Mr. Fitzgerald was not to be examined by the other side.

Mr. Austin stated he had forgotten that, but he tendered him, however, to the Committee to examine him if they wished.

Mr. Wrangham objected.

The *Chairman* desired Mr. Wrangham to proceed.

Mr. *Wrangham* was heard to support the vote.

Patrick Maher.

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The question was, whether the holding which continued in possession of Quinlan was worth 10*l.* a year, to be let to a solvent tenant. A point of law might, however, arise on this subject. It had been contended in some cases, if, subsequent to registration, a voter parted with any portion of that for which he registered, as he could not swear at the poll that he possessed the same qualification as that which he did at the time of registration, the vote was therefore bad.

Mr. *Austin* stated, he did not propose raising any such point ; the question was, whether the portion the voter retained was of 10*l.* value.

Mr. *Wrangham* was heard in continuation, in support of the vote. The only two questions for the decision of the Committee were, first, what portion of the premises for which Quinlan was registered remained at the time of the poll in his possession, and whether what he retained was of the value of 10*l.* to let to a solvent tenant.

The *Chairman* stated the Committee wished the room to be cleared.

The room was cleared.

The Committee deliberated.

Counsel and agents were called in, and informed by the *Chairman*, that the Committee had resolved the vote of Thomas Quinlan is a bad vote, and be struck off the poll.

Mr. *Austin* stated, the parties were now even, and he proposed to take the vote of a poll-clerk of the name of Philip Dighton, which was in class No. 10. They had other votes in the class of Removals, which they had hitherto been upon ; and they would return to it on Monday.

Mr. *Wrangham* was heard to object to Mr. *Austin* proceeding with any case out of the class upon which he was at present, unless the further cases in the class were given up. The learned Counsel stated on the part of those whom he represented, it was inconvenient to have this vote gone into at present.

Mr. *Thesiger* was heard to support the objection, and to state that the invariable practice was to exhaust the class on which they were engaged in the first instance.

Mr. *Austin* stated, the practice was, in scrutinies of this description, parties should exchange lists daily of those votes which each proposed to attack ; the inquiry was then limited to that list. In this case it had been stated already that upon the very first day they proposed they should exchange lists, the agents on the other side had not agreed. The only reason he wished to take this case was, the principal witness was the deputy-clerk of the peace, and they were keeping him here at great expense, and that it was of great importance he should return to Ireland ; but he also claimed the right to take which case he pleased.

Mr. *Wrangham* was heard in reply, and to suggest the reason why no list had been given to the other side was because Mr. Bruen was in a majority of three ; and it was necessary first for that majority to be removed before it could be supposed they would be required to attack any of the votes on the other side ; but now they were prepared to exchange lists with the other side.

The *Chairman* inquired whether there was any case in which the usual rule was departed from.

Mr. *Thesiger* stated, in the case referred to of the Wigan, a barrister's attendance was necessary at the Liverpool sessions, and he had applied to the Committee to be allowed to take that particular vote not under the Removal class, on that special ground ; and upon that special ground the Committee allowed it, but on that ground alone.

The *Chairman* :—Did the opposite Counsel take any objection ?

Mr. *Thesiger* stated, they did not.

Mr. *Austin* stated, they had exchanged lists in the Wigan case, and they had inserted in their list objections of all sorts ; three or four charges of occupations, and one case of bribery.

Mr. *Thesiger* admitted the parties might go into any vote in the list they had given in, but they must first conclude the votes in the class which they were upon before they could go into any other.

Patrick Maher.

11 May 1839.

The room was cleared.

The Committee deliberated.

Counsel and agents were called in, and informed by the *Chairman*, the Committee had resolved as follows: "That sufficient ground has been shown for proceeding forthwith to the objection of the vote of Philip Dighton."

CASE OF PHILIP DIGHTON.

Mr. Humphrey sworn, and delivered in the affidavit of *Philip Dighton*.

The voter stood 306 on the poll, described of Dublin-street, house and premises; 10 l. householder, and voted for Mr. Bruen.

Bribery and qualification oaths put to the voter.

Robert Brown, called in and sworn; Examined by *Mr. Austin*.

Robert Brown.

4006. ARE you town-clerk of the borough of Carlow?—Yes.

4007. And you are deputy-clerk of the peace, I believe?—I am.

4008. *Mr. Fishbourne*, we hear, was the returning officer of the election?—He was.

4009. Do you know Philip Dighton?—I do.

4010. Was he a poll-clerk?—He was, at the last election.

4011. Were there more than one?—No.

4012. The only poll-clerk?—The only poll-clerk.

4013. Did he act as poll-clerk?—He did.

4014. Have you paid him for his services?—I did.

4015. What did you pay him?—Three guineas; one guinea each day.

4016. Was that an agreement with him?—No.

4017. Is that specified by the Act?—Specified by the Act of Parliament.

4018. What is his Christian name?—Philip.

4019. He is a relation of yours?—He is.

4020. Is that the Philip Dighton (*handing the affidavit of register*)?—That is his handwriting.

4021. The signature to the affidavit?—Yes.

Cross-examined by *Mr. Thesiger*.

4022. What is Dighton?—He is a baker; follows the baking business.

4023. A respectable man in Carlow?—Yes.

4024. Pray were you present at the time Dighton was appointed poll-clerk?—I asked the sovereign—

4025. Were you present at the time he was appointed?—If you will allow me to explain for one moment, I will answer the question by the explanation I am going to give. I told the sovereign when he came into the office in the morning that I thought Philip Dighton would be the best poll-clerk he could get; and he said, "Very well." I wrote on a slip of paper, "Will you act as poll-clerk?" I sent my boy with it, and he wrote under it, "Yes." He returned it to me.

4026. You saw him afterwards acting as the poll-clerk?—Yes.

4027. Who employed you to pay the poll-clerk?—The clerk of the peace requested that I would appoint two or three deputy clerks of the peace as assistants, and I would get the money and pay them.

4028. From whom did you receive the money?—I received one-half of the money from a Mr. Dillon, a brother-in-law of Mr. Fitzgerald's, and I received the other half from Captain Curry, agent for Mr. Bruen. I think it was 5 l. 14 s. I received from each side.

4029. That money you disposed of to different persons who were employed?—I did.

4030. Had each of the candidates check-clerks attending the poll?—I declare I believe they had; but I did not pay much attention at all; I only went to give my vote.

4031. That was the only occasion you saw Dighton acting as poll-clerk?—Yes, unless I went in in a casual way at other times.

4032. Did

4032. Did you go in in a casual way at other times?—I believe I did.
 4033. Can you tell me whether you saw the agents of the persons employed at the hustings?—I think I did.
 4034. And check-clerks on each side?—I think I did.

Robert Brown.

11 May 1839.

[The Witness withdrew.]

A Member inquired if he was correct in understanding from Mr. Austin the witness who was brought forward in this case had just arrived, and it was necessary he should immediately return to Ireland.

Mr. *Austin* stated that he had never said the witness had just arrived, but only that it was important he should return to Ireland.

Mr. *Austin* was heard to sum up against the vote, and to contend, under the 7 & 8 Geo. 4, c. 37, the voter was disqualified, the words of the Act being, among others, that poll-clerks paid by the candidates, or any other persons, should not be entitled to vote.

Mr. *Thesiger* admitted the word "poll-clerk" was introduced in the Act, but contended that, taken in connexion with the other words of the section, the Committee would be of opinion it meant to apply to check-clerks, and not to poll-clerks.

A Member inquired whether Mr. *Thesiger* cited any cases.

Mr. *Thesiger* stated he had not.

Mr. *Austin* was heard to apply to have the right of citing cases.

Mr. *Thesiger* was heard to object to Mr. *Austin* being heard to cite the cases.

Mr. *Austin* was heard to reply.

The room was cleared.

The Committee deliberated.

Counsel and agents were called in, and informed by the *Chairman* that the Committee had resolved, "It is the opinion of this Committee that the vote of Philip Dighton is a bad vote, and that it be struck off the poll."

Mr. *Austin*:—We propose now to deliver the usual lists to each other.

Mr. *Wrangham* objected to the proposal being made to the Committee; if at all it ought to be made to the parties.

Mr. *Austin* stated it was a matter of great convenience to the parties; and unless the proposition was acceded to they must make a formal application to the Committee.

Mr. *Wrangham* stated, the application was to compel them to do that which they had not had the benefit of, and he trusted the Committee would not comply with the application.

The *Chairman* stated, it would not be the feeling of the Committee to compel the sitting Member, as at present advised, without hearing the case more fully argued, to deliver lists, but it would be open to Mr. *Austin* to make a further application on Monday; at present the Committee had arrived at an hour at which they were disposed to adjourn, and they therefore could not make such order at present.

Mr. *Austin* stated, his client was anxious to have the witness, Mr. Brown, examined by the honourable Member who has misunderstood what he had said in respect of the necessity of his absence.

The honourable Member stated there was no occasion to do so.

[The Committee adjourned till Monday, at Eleven o'clock.]

Lunæ, 13^o die Maii, 1839.

GEORGE GROTE, ESQ., IN THE CHAIR.

The Names of the Members were called over—all present.

Mr. *Wrangham* stated they proposed to remove from the poll of Mr. Gisborne

THE VOTE OF JOHN WALSH.

The voter stood No. 323 upon the poll; described as residing at Graigue; house, garden and premises; qualification and bribery oath put to the voter. The following entry was entered in the poll-book: "I object to this man's being polled, inasmuch as he has long since parted with the house and concerns out of which he registered in the year , and from which he now seeks to vote; and a person named Murt Hayden has been in possession of it since, and has even served a notice to register as a householder out of the said house and concerns. All which I am ready to have proved; and actually the voter has been living in Burrow-street, town of Carlow, for the last six months. Thomas C. Butler, Inspector." The vote of John Walsh allowed, the sovereign not having personal knowledge of the facts stated in the objection.

Mr. *Wrangham* stated it was necessary to explain the nature of the case, that he should inform the Committee how the property was situated. The voter was described as residing in Graigue. The borough of Carlow consisted of two towns, the town of Carlow and the town of Graigue; the town of Carlow being in the county of Carlow, and the town of Graigue, which, although part of the borough, was separated from it by a river, and situated in the adjoining county, Queen's County.

The voter was objected to in Class 2, as having ceased to hold or occupy the whole or some part of his property since the registry.

Mr. *Humfrey* called in and sworn; Examined by Mr. *Wrangham*.

Mr. *Humfrey*.

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4035. DO you produce the affidavit of John Walsh, of Graigue?—"John Welch" it is spelt.

4036. Is it Walsh or Welch?—It is a different mode of spelling the same name, but pronounced in the same manner.

The affidavit is signed "John Welch."

The affidavit was put in, dated 5th November 1832, for dwelling-house, garden and premises.

Mr. *William Jackson* called in and sworn; Examined by Mr. *Wrangham*.

Mr.
William Jackson.

4037. WHERE do you live?—At Graigue, in the Queen's County.

4038. We understand that Graigue forms part of the borough of Carlow; is that so?—It is so.

4039. Do you know one John Walsh?—"Welch" we call him.

4040. Where has he resided for several years past—I am not asking you as to the last year—where have you known him residing from 1830 downwards?—In Graigue.

4041. I believe you are the landlord of the house which he occupied; are you so?—Yes.

4042. How long has he held that house; how long is it since he first became tenant of that house; about?—Several years.

4043. Is it 20 years?—Himself and his father more than that.

4044. How long has he himself been in possession of it; did he succeed his father immediately?—He did.

4045. What

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4045. What did that house consist of, Mr. Jackson?—A slated house, four thatched cabins and a large garden.

4046. Was Welch living in this house in the year 1832?—Yes.

4047. Throughout that year?—Yes.

4048. Now, with respect to the four thatched cabins you have spoken of, were those four cabins at, and prior to the year 1832, in his own occupation, or were they let to other persons?—They were let to other persons.

4049. And have always been so?—And have always been so.

4050. Then, will you tell the Committee what were the premises which were in his occupation; his own occupation at that time?—The slated house and the garden.

4051. Do you know whether those are the premises out of which he registered?—Yes, I do.

4052. By Mr. Cockburn.] Were you present at the registration?—No.

4053. Be good enough to tell us how you know he registered out of that holding?—He had no other holding in Graigue but that to register out of.

4054. Are you well acquainted with the town of Graigue?—Perfectly.

4055. Been there for a considerable number of years?—Yes.

4056. Can you take on yourself to say this man, John Welch, had no other premises in Graigue to register out of, except this house and garden?—He had not.

4057. Have you ever heard him; has he ever told you what premises he registered out of; did he ever tell you what premises he had registered out of?—I never asked him the question.

4058. I am not asking you that; I am asking you whether he ever stated to you that he had registered out of this house in Graigue?—I do not know that he did.

4059. Can you tell us; does John Welch continue to occupy these premises in Graigue?—No.

4060. Or any part of them?—No, not that I know of.

4061. Are they in the occupation of any other person at the present time?—They are.

4062. Who is that other person?—A man of the name of Hayden and the under-tenants of the cabins.

4063. The cabins you have told us were always underlet at the time of registration?—Yes.

4064. Then confine yourself to the other part of the premises; those you say are in the occupation of a man of the name of Hayden?—Yes.

4065. By the Committee.] The garden?—The garden and slated house.

4066. By the Committee.] Whose occupation are they in?—Hayden's.

4067. Can you tell me at what time, how long since it is since the voter, Welch, removed from these premises?—I cannot tell the exact period.

4068. How long is it?—About this time twelvemonth; he told me himself that he had set that house and premises to this Hayden.

4069. What did he call that house, in describing it; tell us exactly what he said?—The house that he lived in himself, the house that he occupied.

4070. He said he had let the house he lived in and occupied himself to Hayden?—Yes; and that he had removed to Carlow, to a house near his father-in-law's.

4071. Did he tell you where that other house was situated?—Somewhere about a place called Granby-row, or Beggar's-row.

4072. That is in the town of Carlow, as I understand?—Yes.

4073. Have you had occasion to send to him in Granby-row on any occasion?—I had.

4074. Since the time he stated to you he had resided there?—Yes; I sent my driver to apply for the rent of the premises.

4075. By the Committee.] Of what premises?—The said premises under consideration.

4076. By the Committee.] The premises in Graigue?—Yes.

4077. By the Committee.] What is the meaning of a driver?—A person I employ to go round to the tenants to warn them, and to bring in the rents.

4078. When was it about that the voter told you that he had set his premises, the house and garden in Graigue, which he had lived in and occupied up to that time, to Hayden?—I should think about this time twelve months.

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4079. That he told you so?—Yes.

4080. Do you know, of your own knowledge; can you speak to the circumstance whether or not Hayden and his family had been residing in that house since that time?—Yes.

4081. They have?—I have seen them there.

4082. You have seen them there during the last twelve months?—Certainly.

Cross-examined by Mr. Cockburn.

4083. When did you last see Hayden and his family in that house, Mr. Jackson?—I have seen him shortly before I came up here.

4084. How long ago?—About a fortnight or three weeks.

4085. On this occasion?—Yes, I should think so, or later.

4086. Have you seen any thing of Welch within the last two or three months?—No, I have not seen him there at all; since he told me he had set it.

4087. Have you ever seen Welch at all any where since he told you he had set the house?—Yes; he has frequently come to me, and I have seen him walking in Carlow and in Graigue, but not in that house.

4088. Have you seen him in any other house?—I cannot say that I have seen him.

4089. You say you sent your driver to him for the rent of these premises; how long ago is that?—I sent my driver several times there on the same occasion.

4090. About the rent?—Yes.

4091. When was the last time you sent your driver there?—I should suppose about two or three months ago.

4092. You do not know, of course, where your driver went to; you told him to go to Granby-street?—Yes, I did; and he told me he had gone there.

4093. He brought you back the rent?—No.

4094. These four cabins that you say were let by him to some other tenant; when were they let, do you know?—They have been let these many years.

4095. To the same tenants?—Some have been changed; some went out, and other fresh ones came in, and a labourer of my own resides in one of them for upwards of 20 years.

4096. What is the value of the whole premises together, including the house, the garden and cabins?—The rent he pays me is 12*l.* Irish, which is 11*l.* English.

4097. For the whole?—For the whole.

4098. By the *Committee*.] The garden, cabins and slated house?—Twelve pounds Irish, 11*l.* English.

4099. That is under a lease made many years ago?—Yes.

4100. Made 32 years ago?—Yes.

4101. I take it the value of the premises is greater than that now?—The rent in the lease is 13*l.* 13*s.*; I made an abatement to him in consequence of his representation.

4102. How long ago?—I should suppose upwards of 20 years ago.

4103. Suppose you had the premises to let now, would you let them for 11*l.* a year; the whole of the premises, the cabins and all?—No; his father improved them since I gave the lease; his father built those cabins.

4104. What would you let them for, supposing you had them now?—I cannot exactly say.

4105. What do you say you would let them for now, Mr. Jackson?—Why, this cabin property is very unpleasant; the rent is very badly paid, and I should not take on myself to say what I would take for it.

4106. Would you take less than 15*l.* a year for those premises altogether?—O, they would be worth 15*l.* altogether.

4107. Perhaps more?—Perhaps more.

4108. Perhaps 20*l.*?—I would not say so much.

4109. How much garden-ground is there?—I believe garden-ground, and houses standing upon it, between half an acre and three-quarters of an acre, I should think.

4110. By the *Committee*.] Do you mean the Irish acre?—Yes.

4111. By the *Committee*.] You say, at present, it is worth 15*l.* a year for the whole?—For all.

4112. By the *Committee*.] And more, you say?—Perhaps more.

4113. I think you said nearly 20*l.*?—No, you said that.

4114. Would

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4114. Would you say nearer 20*l.* than 15*l.*?—No, I would not; cabin property is very much deteriorated.

4115. You say he told you that he had set part of these premises to Hayden, did you not?—Yes.

4116. When did he tell you that?—About this time twelvemonth.

4117. On what occasion did he tell you that?—On paying my rent at that time.

4118. Did he tell you what portion he had set to Hayden?—The part that he held himself, the house and garden.

4119. Do you mean he used the words “house and garden”?—He said, the part he held himself, which constitutes the house and garden.

4120. Did he say the part he held himself constituted the house and garden?—Yes.

4121. Did he use those words?—That he had set to Hayden the part of the house and premises which he held himself; part he held himself, which constituted the house and garden.

4122. Give me the precise words; you have given three or four different representations; first, the part he held himself; then the house and garden; what were the precise words he used?—Really it is so far back, not taking particular notice, I cannot say; I understood him to say, he had given the whole he held in his possession, the house and garden, to this man.

4123. What he said you do not recollect?—I think that was the inference.

4124. Did he use the words “house and garden,” on your oath?—I cannot particularly recollect.

4125. What part of the premises have you seen Hayden upon?—I have seen him in the house.

4126. Any where else?—I do not suppose I have.

4127. In what part of the house have you seen him?—I have seen him inside of his door; him and his family.

4128. Do not you know this man Welch has gone back to this house, and is living in the house sometimes himself?—No, never heard it.

4129. How often have you seen Hayden there within the last six months?—I have frequently seen his family, and sometimes himself, at the door; it is on my way to church, and on Sabbath-days, and on my way to my farm that I hold, and on passing the door I have seen him.

4130. Will you undertake to say now, upon your oath, when you come to tax your recollection; will you undertake to say he told you he had let this to Hayden, or that he was in treaty with Hayden about setting?—If my recollection serves me, he did let it to Hayden.

4131. Can you undertake to swear it?—I can swear he told me he had let it to Hayden; I was not present at the bargain.

4132. About these cabins; do you know whether those cabins were occupied by himself in 1832?—They were let to under-tenants.

4133. How do you know that?—I have seen those other tenants occupying them.

4134. Can you tell me who the under-tenants were that occupied them?—I cannot immediately recollect the names; one of my own workmen was one.

4135. There were four cabins; who occupied the other three?—There was a pensioner occupied one.

4136. In 1832?—Yes; I should think so.

4137. You should think so?—Yes.

4138. Can you undertake to swear there was a pensioner occupying one of those cabins in 1832?—I can undertake to swear they were all occupied, I think, in that year.

4139. You say a pensioner?—This pensioner died some years ago; I do not know whether it was before or after 1832 he died; he for some years occupied it.

4140. What I ask you is, as you do not know when he died, will you undertake to swear that man occupied in 1832?—Allow me to say, for some time this man was in arrear to me for rent; I received the rent from the under-tenants for some years.

4141. Can you swear you received the rent from the tenants in 1832?—No, not in 1832, nor for some time before.

4142. Not for some time before 1832?—No; Welch himself paid me.

4143. Can you undertake, of your own knowledge, to state that any of those cabins were occupied in 1832, except the cabin you speak of, which was occupied by your workmen?—Not being immediately interested in setting those cabins, I

4144.

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William Jackson.
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4196. Any yard to the slate house?—A small yard.
4197. How many rooms are there in the slate house?—I believe there is a kitchen, and I believe two other rooms; there is no upper story at all, all ground-floor.
4198. Two rooms and a kitchen?—No up-stairs; it is the ground-floor.
4199. What is the ground-floor; what does it consist of, stone or wood?—Indeed, I am sorry to say, we have not to boast much of our flooring; I believe it is all common clay.
4200. One of the two rooms is the sleeping room, I suppose?—Yes.
4201. Where do the cabins open into; do they open into the yard?—On the street.
4202. What is the yard used for; for any purpose; what did Welch use the yard for?—A small yard that probably he might keep a pig in; rearing pigs and things of that description.
4203. What is Welch; what is his occupation?—He was what we call a shoe-maker, or rather a brogue-maker.
4204. What are the names of the present occupiers of those cabins?—I do not immediately recollect the tenants, more than one of them, which is my own labourer; a man of the name of M'Guire.
4205. You do not know who occupies the other three cabins?—No.
4206. Are they occupied?—I should think they are.
4207. Were they when you left Graigue?—I should think so, from my recollection; I should think they are.
4208. But you cannot answer for certainty?—Not taking particular notice of them, I cannot.

[The Witness withdrew.]

Mr. *Edward Dowling* called in and sworn; Examined by Mr. *Wrangham*.

Mr.
Edward Dowling.

4209. WHERE do you live?—At Carlow.
4210. Have you property in houses and other matters in the town of Graigue?—I have.
4211. Which forms part of the borough, as we understand?—Yes.
4212. Is your property adjoining the house which was in the occupation of John Welch?—It is.
4213. A brogue-maker?—Yes.
4214. Do you know the premises which John Welch occupied in 1832?—I do.
4215. Do you know whether he continues to occupy those premises?—He does not.
4216. Perhaps you can tell us who does occupy them at this time?—A man named Murt Hayden.
4217. How long has Murt Hayden, to your knowledge, occupied those premises?—About a year and a quarter.
4218. Have they occupied the garden as well as the house?—They have.
4219. How do you know that; that they have occupied the garden as well as the house?—I know it from seeing Hayden cultivate it.
4220. Have you seen him sowing it?—Yes, and getting the corn reaped last harvest; a very small garden.
4221. Did you, at any time, see Hayden moving any furniture into the house?—I did; a very small portion.
4222. How long since?—I think about February twelvemonth; I cannot be particular as to the time; about February twelvemonth.
4223. That would be about 12 months before the election?—Yes.
4224. You have told us a person of the name of Hayden has been living in this house for the last 12 months; can you tell us where Welch has been living during the same period?—He lives in a house in the town of Carlow, at a place called Granby-row.
4225. Has he been living there as a lodger alone, or has he been living with his family?—Living with his family.
4226. Have you had any conversation with Welch about these premises since he removed?—I had,
4227. Will you tell us what he stated about them?—He stated he had set the house and garden to Hayden, at the yearly rent of 8*l*.

4228. Which

4228. Which house and garden did he speak of?—The house and garden which he registered out of, and he expressed his satisfaction at having got shut of his vote.

4229. When was this that he so expressed it?—About a month after he set the concerns.

4230. About a month after he set them to Hayden?—Yes.

4231. He said he was glad to have got shut of his vote; did he tell you why?—He stated that politics were not fit for such a man as him, and that his party treated him very badly; and that he would never register a vote for Carlow again.

4232. And he would never register a vote for Carlow again?—Yes.

4233. Have you seen him frequently in the course of the twelve months preceding the election?—O, very often.

4234. And have you frequently had conversation with him on this subject?—I have had some conversation, but not very frequent.

4235. I do not mean every time you meet; but from time to time you have conversed with him on this matter?—I dare say four or five times altogether.

4236. Will you tell us whether you saw him; if so, where you saw him at the time of the election, and during the course of it?—Yes.

4237. Where?—I saw him in the court-house yard.

4238. On what day of the election?—Wednesday, the day he voted.

4239. Was that the last morning of the election?—The last morning of the election; I think Wednesday was the last morning.

4240. Did any conversation pass between you and the voter at this time in the court-house?—There did.

4241. Will you tell the Committee what it was that passed in the way of conversation between the voter and you?—I asked him was it possible he was going to vote; he said it was; that he slept in the house the night before; that Hayden gave him possession, and he slept in the house the night before.

4242. What did you say upon that?—Why, I said it was a very bad business; and I walked away.

4243. Did you see him vote?—I saw him on the table with the book in his hand; but I did not see him take the oath.

4244. You said this was a very bad business, and you went away; tell the Committee where you went to?—I went into the court-house shortly after that; and, after he voted, I went over to Hayden's house.

4245. The house in question?—The house in question.

4246. Did you find the voter at the house, or whom did you find in occupation of it?—I found Hayden's wife in the house.

4247. Did you find Hayden's family and furniture in the house?—Yes.

4248. As usual?—As usual.

4249. You had some conversation, I believe, with Hayden's wife; that I cannot ask you, because it is not evidence here?—My reason for going over was to satisfy myself further, whether Welch had got the legal possession; that is, by Hayden leaving the house and taking the furniture out.

4250. You found Hayden's family in the occupation of that house as usual?—I did.

4251. Pray can you tell us whether they or Welch have continued in occupation of that house and premises, house and garden, down to the present moment, at least down to the time you left Carlow?—The Haydens; I saw Hayden's family and furniture and horses.

4252. Occupying those premises since the election and before?—Since the election and before.

4253. Where has Welch, in the mean time, been residing?—At Granby-row.

4254. Did Welch ever tell you precisely the premises out of which he had registered; did he ever point them out to you?—He did.

4255. What were the premises he pointed out to you as the premises out of which he had registered?—The house and garden that Hayden at present holds.

4256. And were those the premises that he at that time stated to you he had let to Hayden?—Yes.

4257. There are four cabins attached to this house, or adjoining it?—There are.

4258. Are those in the occupation of Hayden?—No.

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4259. In whose occupation are they, can you tell us?—Different tenants; I do not recollect their names; I recollect one of the names, a man of the name of M'Guire.

4260. Have you any doubt they are in the occupation of different under-tenants?—O, decidedly they are.

4261. Does your knowledge of the town of Graigue enable you to state whether they were or not so underlet in 1832?—I have known them these 20 years.

4262. Have they been, during the whole time you have known them, underlet to under-tenants, one going in as the others went out?—They have.

4263. Not occupied by the holder of the house?—By no means.

Cross-examined by Mr. *Austin.*

4264. You say Welch pointed out the premises to you for which he registered?—Five or six years ago was the first time he pointed them out.

4265. How came he to point them out to you on that occasion?—I have some houses adjoining, and I used to have occasional conversations with him.

4266. And in the course of one of those conversations was it he pointed them out?—It was.

4267. Has Welch always voted for the same side in Carlow?—He has.

4268. Have you?—I always voted on the same side since the passing of the Reform Bill; since I had a vote.

4269. You were busy at the last election in favour of Mr. Bruen, were you not?—Yes.

4270. Were you concerned on that same side at the former election?—I was.

4271. All former elections?—All former elections.

4272. Is that so?—Since the passing of the Reform Bill.

4273. Did you never vote against Mr. Bruen?—Never.

4274. Did you ever vote against Colonel Bruen?—Never; I never had a vote in the county to vote against him; I have at present a 50*l.* freehold for the county of Carlow.

4275. You were very busy at the last election, were you not?—Not very busy.

4276. Were you not very busy?—Not very busy.

4277. Do you know a man of the name of Barford?—I do.

4278. He was a voter, was he not?—He is; he was.

4279. He was and is?—Yes.

4280. Did you see Barford at the election?—I did not know the man at that time.

4281. Did you see him at the election?—I did.

4282. Did you see him, without knowing his name, at the election?—I was not acquainted with Barford until after the election.

4283. Did you see him without knowing his name?—He was pointed out; not at the election.

4284. Before the election?—Before the election.

4285. I know you did not see him at the election, nor any body else; did you know Gorman before the election?—I did.

4286. You did not see him at the election?—I did not.

4287. Do you know Cavanagh?—Yes.

4288. Did you see him before the election?—Yes.

4289. And not at it?—No.

4290. Is that the case with Moore?—It is.

4291. Another voter?—Yes.

4292. Is it the case with Weland?—It is.

4293. Is it the case with M'Grath?—It is.

4294. With Murphy, with James Murphy?—I do not know Murphy well.

[The Witness was ordered to withdraw.]

Mr. *Wrangham* was heard to object to this course of examination. The Witness's vote was objected to by the other side. There was an allegation in the Petition. "Voters on polling for the said Francis Bruen were bribed to give their votes for him; others were bribed not to give their votes for Thomas Gisborne; and others were compelled by bribery, or improperly induced to go away from the said borough, and did go away." In Class 11,

this

this Witness, Dowling, is objected to. Class No. 11 contains the names of voters on the poll for the said sitting Member, who are objected to by the Petitioners as bad, illegal and invalid votes; "for the said voters respectively bribed the electors, or persons having or claiming to have the right to vote at the said election, or offered bribes, or otherwise corrupted or attempted to corrupt, or improperly influenced or were privy to or aiding corruptly or improperly influencing persons having, or claiming to have, a right to vote at the said election, to give their votes at the said election for the said sitting Member, or to forbear to vote at the said election for Thomas Gisborne, the younger, esquire, the candidate at the late election." The effect of the examination now being pursued had a tendency to invalidate the vote of the Witness, and therefore, upon the same principle in which the Committee acted in the case of Lennon, ought not to be permitted.

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Mr. *Austin* stated he was going to charge this man with having abducted votes: his vote was objected to upon that ground, and therefore the man could not be compelled to answer the question; and if the Witness chose to object to the question, he could not persist in the examination.

Mr. *Wrangham* stated that the question did not arise upon the objection of the Witness; he objected to the examination on the ground of its affecting the Witness's vote.

Mr. *Austin*.—The proper course to be pursued was for the Counsel to suggest to the Chairman to inform the Witness that he need not answer the question; but rather than the room should be cleared, he would not press the point.

The Witness re-called, and the Cross-examination continued
by Mr. *Austin*.

4295. I was asking you at what time the conversation with Welch took place?—The first time was about five or six years ago; I had a conversation with him since he parted with it.

4296. When was that?—I should think it was about six or seven or eight months ago; I cannot be particular as to the time.

4297. The last conversation, I understood, was as to his parting with the premises; is that so?—No, not as to his parting.

4298. What was it, then?—The conversation was this.

4299. What was it about?—I expressed my surprise to him why he should set the house and garden to Hayden for 8*l.* a year, when at the register he swore it was worth 10*l.* or 12*l.*; he told me that he set it to Hayden for 8*l.* a year, as he was a good tenant.

4300. Tell me when this was, will you?—About five or six months ago.

4301. Was it eight months ago?—I cannot be particular.

4302. Is it eight or five?—More than five, six or seven months.

4303. Either five, six, seven or eight months ago?—Yes.

4304. When was it he told you politics was not for such a man as him?—Before that, two or three months.

4305. That was the former conversation you had with him?—It was.

4306. Whereabouts did this take place in Carlow?—Some of it took place in my shop.

4307. He came to your shop?—He was in the habit of buying from me.

4308. Did he know which party you belonged to?—He did.

4309. I believe most people do know that in Carlow?—I dare say they do; it is pretty well published.

4310. When was it he told you he had set the premises?—Twelve months ago.

4311. That was 12 months ago?—It is, or better.

4312. Was that also at your shop?—It was.

4313. Did all these conversations take place at your shop?—They did not.

4314. How many conversations of this sort may you have had with him?—I dare say five or six altogether.

4315. Did you canvass him to vote at any time?—Never.

4316. You never did?—Never.

Mr.
Edward Dowling.

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4317. He has always voted against the Bruen party, has he not?—He has.
 4318. I see in one of your answers, you say he said, he was glad he was “shut” of his vote?—He said so.
 4319. When was that?—I think it was the very first conversation we had.
 4320. Give me the time for that again?—About 12 months ago, I think, was the first conversation.
 4321. What was he doing at your shop when these conversations took place?—Purchasing goods.
 4322. A casual conversation, was it?—A casual conversation.
 4323. You say you were busy at the last election; were you busy at the previous election in the same way?—Yes, I was.
 4324. You were always very active at Colonel Bruen’s election?—Very active; and before the passing of the Reform Bill, very active for him too, along with those who are now opposed to him.
 4325. Why, the other people have all changed sides, have they?—Those who are now opposing him were his greatest friends before the passing of the Reform Bill.
 4326. You have remained on the same side?—Yes.
 4327. Do you remember Mr. Blake and Sir Milley Doyle being candidates?—That was previous to Mr. Bruen coming into the borough.
 4328. You entered the borough “triumphing” at the head of the procession?—I did.
 4329. Like Hugh Peters?—Yes.
 4330. Was not that after the Reform Act?—It was not.
 4331. It was at the reform election?—It was not.
 4332. Was it before that?—I think it was in 1831.
 4333. That was the time you changed your party, was it; was it not in 1831?—Mr. Bruen endeavoured to open the corporation, and I and others joined.
 4334. You remained on the same side; all the others went over?—Not all the others; some remained; and a great many others would, but for the terror that is practised there.

Examined by Mr. *Wrangham*.

4335. A great many others would have remained, but for the terror that is practised there?—Yes.
 4336. You told my friend just now, the first conversation was about 10 or 12 months ago; the first conversation about these premises having been set to Hayden was about 10 or 12 months ago?—Yes.
 4337. There was another conversation, four or five years ago, when he pointed out the premises to you out of which he registered?—Yes.
 4338. You say conversations took place, some of them about being glad he was shut of his vote; took place in your shop?—Yes.
 4339. Pray what do you deal in?—I keep a tan-yard.
 4340. And deal in leather?—Yes; and a shop.
 4341. The voter manufactures leather, if I may so say; he manufactures leather articles?—Yes.
 4342. He complained of the conduct of the other party to him, I think you said, at that time?—Yes.
 4343. They treated him ill?—Yes.
 4344. And he made that complaint to you, who are a member of the party opposed to that other party?—He did.

Examined by the *Committee*.

4345. Did he mention in what way they treated him ill?—He stated they owed him money, and they would not pay him.
 4346. What was the money owing for; did he say?—For entertaining freeholders; he said so.
 4347. Did you ever have any conversation with Hayden respecting Welch’s house?—I had.
 4348. What did Hayden tell you?—Hayden told me he took the premises from John Welch at 8*l.* a year.
 4349. When did that conversation occur?—It occurred——

Mr. *Cockburn* suggested it would not be evidence ; the rule of law was, hearsay could not be received in evidence at all ; a voter was treated as a party in a suit ; admissions of the party in the suit were always admissible, and therefore it is the statements of the voter are admissible ; but statements of third parties are not admissible.

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The Member who had put the question stated he should not press the examination.

4350. You said you had seen horses on the premises ; are there any stables ?—There is an out-house, or shed, at the back of the dwelling-house.

4351. Close to the cabins ?—Attached to the dwelling-house.

4352. Where are the cabins ?—The cabins are adjoining.

4353. On one side ?—On one side ; they run along the street.

4354. The stables are behind ?—Behind the house ; where Hayden's horses were.

[The Witness withdrew.

James Brennan called in and sworn ; Examined by Mr. *Wrangham*.

4355. DO you know John Walsh ?—John Welch ?

4356. John Welch ?—Yes, I do.

4357. Do you know where he lived up to the beginning of last year ?—I am not acquainted with his dwelling, where he lived up to 12 months since.

4358. Can you tell where he has lived since ?—He lives in Granby-row, in the town of Carlow.

4359. How long do you say he has lived there ?—I know he has been in it about six months.

4360. Have you, during the last six months, collected the tax, the cess for the houses in Granby-row ?—I have.

4361. Where did you collect it ?—At his house in Granby-row.

4362. Who paid you the tax for it ?—Himself in person.

4363. Was himself in person, and his family, occupying the house at the time he paid you that tax ?—They were.

4364. And have been so, as far as you know, for the last six months ?—Yes.

4365. Do you collect for Graigue ?—I do not.

4366. That is in a different county ?—It is.

James Brennan.

Cross-examined by Mr. *Cockburn*.

4367. When did you collect last ?—I commenced in February and ended in March.

4368. Did you collect from him there ; you began in February and ended in March ; did you collect from him at that time ?—I did.

4369. In Granby-street ?—I did in Granby-row, in the county of Carlow.

4370. When had that been assessed that you then collected ?—Why, it was apportioned in the month of January, settled in the month of January or early in February ; but raised between that and the assizes, which happened in March.

4371. When had the last cess been ?—For the March assizes.

4372. When had the last cess before that been assessed and collected ?—In July ; the assizes at July.

4373. Whom did you collect that cess from for the house in Granby-street ?—I cannot say whether it was from himself I got it, or who I got it from then.

4374. Did you collect it yourself ?—I did, and I cannot say who I got it from ; I do not remember whether it was from himself I got that cess or not.

4375. Was it from another tenant ?—I do not know whether I got it at all.

4376. Was there any body in the occupation of the house ?—I do not know whether or not.

4377. Your attention has only been directed to this last time, has it ?—I believe I missed over the house the time before, and did not see it at all.

4378. Did you go along the street collecting ?—I did.

4379. Do you mean to swear, on your oath, you did not see the house ?—I do not mean to say I did not see it ; but I believe I passed it over, and did not get any tax.

4380. Why did you pass over it ?—Because it was the first time I came in, and I was not so well acquainted as I was the last time.

James Brennen.

13 May 1839.

4381. Did you go from house to house?—Some poor houses I did not get any thing from.

4382. Did you try to get from every house?—Some poor houses I did not try at all; where I did not know there were gardens.

4383. Was this so poor a house, you would not call at it?—It was not so poor when I called the last time; I found it better the last time than before.

4384. Did you not expect to find it a good house before then?—I did not take any notice of it the last time.

4385. Then you could not have had any expectation on the subject, had you, if you did not take notice?—I did not.

4386. What do you mean by saying you found it better than you expected?—There was a row of poor houses all along at that spot; and at the last tax, when I went to examine, I found a garden with this man, and under that impression I made him pay the tax.

4387. Do you collect the tax from the house or the garden?—From the house and garden; some cabins that have no gardens we charge no tax.

4388. And you passed this house over in the month of July, did you; did you gather from the next house?—I cannot say whether I passed it over or not.

4389. Did you gather from the house adjoining in July?—I did, such as had any ground; there were a good many poor cabins about that spot.

4390. Can you tell the precise time when you got this cess from him, the last cess?—It was some short time before the election.

4391. I thought you said February or March?—Yes; that is the time I commenced.

4392. Do not you know whether the election took place in February or March?—I commenced, I told you, in February, and ended in March collecting.

4393. Can you tell me whether that was in February or March?—I can.

4394. How came you to say February or March?—That was the time I commenced gathering, March; I stopped while the election was going on.

4395. You said you collected this in February or March?—I commenced in February.

4396. Why did you say February or March, if you meant to say February?—I meant to say I commenced in February and ended in March.

4397. What day in February?—Some day, at about the very first of it; from that until the middle of March, or thereabouts.

4398. What day in February did you collect from Welch?—I cannot say; some few days before the election.

4399. It is the election that fixes it in your mind?—Yes; because that is the memory of bringing it to me, because I stopped at that time when I finished that street.

Re-examined by Mr. *Wrangham*.

4400. Can you tell us how these grand jury cesses are laid; you say it was applotted in January or February; is the tax applotted in January or February this year the same assessed by the grand jury in the July assizes last year?—Yes.

4401. Which must be collected before the March assizes this year?—Yes, that is just the thing.

Examined by the *Committee*.

4402. How do you decide on which house you shall take the cess off?—When I find any house that has a bit of land to, and some that has none.

4403. Is it at your option, whether you receive cess from a house or not?—When I find sufficient value to pay the cess, I must; it is allowed at so much an acre through the parish; and in proportion to that, the tax is levied and settled to be made up on the parish.

4404. Who are you liable to; are you liable for so much cess?—Yes.

4405. Who are you liable to?—We are bound to collect so much cess on such a part of a parish, and we examine the place to put it on, and so much an acre; and then we levy it in proportion, as close as we can, to do justice to every one; and the cabins that have nothing, to put nothing on them.

4406. Who apportions it?—Why, sometimes we have a man to do it, and many times

times I done it myself the last season, by means of my being acquainted with it after the season before.

James Brennan.

4407. It is at your option whether you collect from one house to the other?—Yes, it is at my option; I must make up the money, and I divide it as nearly as I can.

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4408. And then you take care and spare your friends?—(No answer.)

4409. By Mr. *Wrangham*, through the *Committee*.] Are you the person who applies to each house the sum which shall be payable from each, or whether it is not the barony, the overseer, or some other person?—It is myself done it the last time, because there was no difference between that tax and the other; no more than 14s. in the whole parish, and we had not to make any slight alteration hardly at all.

4410. Have you the book by which you collect?—Have I it about me?

4411. Have you a book?—Yes, I have, in the next room.

4412. Do you put the date opposite, when you receive it?—No, I do not; no, only have it on a list, and when I am paid, I scrape over it; and then I do not call any more for that place.

4413. You have the book in the next room?—Yes.

4414. By Mr. *Wrangham*.] Ready for any honourable Member to examine?—Yes.

4415. By Mr. *Wrangham*.] And whether it is fairly kept?—Yes.

4416. Do you put dates in your book?—No, I only draw out the list all along.

4417. What is the largest amount you collect in Carlow, and about what is the smallest?—Why, 12*l.* is the largest house I collect, and that is Mr. Fishburn's.

4418. What is the smallest?—From that to twopence.

4419. Do the large amount or the smallest come in easiest?—The large ones are the easiest.

4420. You collect between the middle of February and March; do not you think these small fry were more likely to come into March than February?—I will tell you how that is; it is so painful and hard to gather among the poor people, that I take that at the beginning of the business.

4421. They put you off?—Yes, and perhaps I may be ten times to come for twopence for a house.

4422. Do you not know whether you were put off, or whether you received this?—The gentlemen farmers' lands I leave to the last, because they pay me as soon as I call.

Re-examined by Mr. *Wrangham*.

4423. Have you any doubt you received this tax from the voter upon the premises in Granby-row previous to the election; that is the material fact; have you any doubt?—Not the smallest; by means of one reason, I have not: I finished that street before the election commenced, and then I had to stay four or five days while it was going on.

4424. Were there any persons in that street that had not paid you before the election?—Any one that ever paid me, paid me up to that street, because I got finished to that street.

4425. Do you enter in your books the date of the collection of each particular house?—No, I do not do that, but I have it upon the list, and when I am paid, I draw a scrape over every man's name when I am paid.

[The Witness withdrew.

Mr. *Wrangham* was heard to sum up against the vote.

Mr. *Cockburn* was heard to support the vote.

The room was cleared.

The Committee deliberated.

Counsel and Agents were called in, and informed by the *Chairman* that the Committee had resolved, "That the vote of John Welch was a bad vote, and that it should be struck off the poll."

James Brennen.

13 May 1839.

Mr. *Wrangham* proposed to remove from the poll

THE VOTE OF JOHN HAZLETON.

The voter stood 139 on the poll ; described as residing in Tullow-street, and voting for house and premises of 10 *l.*; voted for Mr. Gisborne. Ground of objection, loss of qualification.

Mr. *Humfrey* produced the affidavit, dated 18th March 1836, which described the voter as a barber, registering for house and premises in Tullow-street.

Mr. *Humfrey* called in; Examined by Mr. *Wrangham*.Mr. Humfrey.

4426. TURN to the entry in that book, which relates to the voter.

[*Handing a book to the Witness.*]

4427. By Mr. *Austin*.] What book is it?—This book contains an entry of all the names of persons who come forward to register at each quarter sessions.

4428. Is that the book you kept under the authority of the Act of Parliament?—Yes.

4429. By Mr. *Austin*.] Which Act?—The book contains a list of the notices; containing the names of all persons who come forward to register at each session under the Reform Act.

4430. By the *Committee*.] List of claimants to be registered at each separate session?—Yes.

Mr. *Wrangham* stated, the 15th section of the 2 & 3 Will. 4, directed that every person shall, 20 clear days at the least before the first day of holding such session respectively, give or cause to be given a notice in writing of such his intention to the clerk of the peace or deputy acting for such city, town or borough, or the high constable, and the high constable shall without delay transmit all such notices to the clerk of the peace of such person so intending to register, which shall state his name, residence, and the right upon which he intended to apply; and the clerk of the peace shall thereupon enter such notices in the order he received them, and shall, 10 days before holding such session, cause an alphabetical list to be posted throughout the county, city or borough, and no such lists shall be liable to the stamp duty; and by the following section the clerk of the peace or his deputy is to call over the names.

4431. Is this the list of the names of the voters, and particulars of their claims to register, which you are directed to keep and do keep under the 2 & 3 of Will. 4, c. 88?—It is.

4432. The lists are pasted in upon these leaves?—They are.

4433. Now be good enough to turn to the name of John Hazleton?

Mr. *Austin* inquired for what purpose it was produced.

Mr. *Wrangham* stated it was to show the property which the voter claimed to register for.

Mr. *Austin* stated he should object to the book.

Examined by Mr. *Austin*.

4434. Is this the list on which when a voter, when a claimant is rejected, the entry is made of the ground on which he is rejected?—No, there is another book which contains a more accurate entry, which is signed by the assistant barrister.

4435. Have you that book here?—I have.

[*The Witness produced another book.*]

Mr. *Wrangham* stated, he tendered the printed list only in evidence, and for the purpose of showing the particular property out of which the voter claimed to register. It appeared there were certain votes in writing in the book into which the lists had been posted, but which he did not claim to give in evidence.

Mr. *Austin*

Mr. *Austin* was heard to object to the evidence. This evidence was tendered, in order to prove that Hazleton had offered to register for particular premises. Before registration in boroughs in Ireland, a voter is required to send in a notice of claim to be registered 20 clear days before the time of registration, which is required to express the qualification in respect of which he proposes to register; that notice to be sent to the clerk of the peace or high constable; and in that the party claiming is to insert his name and residence, and the right in respect of which he intends to apply. The clerk of the peace, upon the receipt of that notice, is required to make out a list, and to enter the notices according to the order he receives them, alphabetically; and then an alphabetical list of such voters was to be posted up in certain places. The use of that list of voters is simply to convey to parties interested in opposing the names of the individuals who claimed to be registered at the session. The operative document is the notice to register; that is, the document in which the claimant is to state his place of abode and qualification; and all persons have access to that document, and the notice is to be produced at the registering session; and according to that notice, upon the proof or disproof of it, is the claimant's right to stand or fall. The list of voters is not evidence: the notice might be admissible, as a document filled up by the voter, or under his direction. This document contains what the Act does not require the clerk of the peace to insert; he is not authorized to insert it; he is to make out lists of voters or claimants; that is all. Here the clerk of the peace has inserted the qualification in respect of which they claim, and he has also written observations. It was admitted the observations were not to be put in evidence, but the whole printed list was tendered. The only part of this which would be admissible, if any would be admissible, would be the names of the claimants, and not their descriptions. If the notice cannot be found, the clerk of the peace may give evidence of the contents, if he can remember it. The objection to the admissibility of these two documents was two-fold. First, That it contained matter not authorized by the Act of Parliament; and, secondly, supposing it to be admissible in other respects, the notice being the original document, and this only secondary evidence, it could not be received until proof had been given of the loss of the notice.

Mr. *Wrangham* was heard to support his right to have the printed list read as evidence. The question is, whether these lists are made out, and the particulars inserted, under the authority of an Act of Parliament. If they are, they are evidence; if not, then it must be because the Act does not authorize it. The object of the lists being published is, that persons may come forward to object to a voter registering for a particular claim, on which he asserts his right to vote. The words of the Act were, "That he shall, 10 days before the day appointed for holding of such session, cause alphabetical lists of such voters," and so on. The clear meaning of the Act was not only their names, but the right in respect of which they claimed to be voters should be published, as it otherwise would be useless to publish them at all.

Mr. *Austin*, in reply, contended the affidavit of register was the only proper evidence, supposing it had been proved that the Act of Parliament authorized the publishing of this list, with the description; still the notice was the best evidence, and that had not been proved to have been lost, and therefore the list was not admissible in evidence.

The *Chairman* inquired what the exact character of the book was.

Mr. *Wrangham* stated it was the list of voters required to be printed and circulated, and posted in conspicuous places throughout the borough, 10 days at least before the session.

The room was cleared.

The Committee deliberated.

Counsel and Agents were called in, and informed by the *Chairman*, the Committee had resolved, "That, upon proof being given, satisfactorily accounting for the absence of the original notice, the Committee would admit the printed lists."

Mr. *Humfrey*.
13 May 1839.

Mr. *Humfrey* again called ; Examined by Mr. *Wrangham*.

Mr. *Humfrey*.

13 May 1839.

4436. WHO has the custody of the original notices of claim ; who keeps them ?—I have them.

4437. Have you the original notice of John Hazleton, of Carlow ?—I have it not here.

4438. Have you it any where ?—I imagine the notices were not preserved at that period ; I was not clerk of the peace at that time.

4439. Have you, so far as you know, any of the notices of register going back so far as 1835 ; notices of claim ?—I have for the county.

4440. Have you for the borough ?—I brought over all the notices for the borough that I could find.

4441. All the notices of claim to register for the borough that you could find ?—Yes.

4442. You were directed to do so by the agent for the sitting Member ?—Yes.

4443. Do you find, among those notices to register, any notice from John Hazleton ?—I have not examined them all ; they commence in 1836.

4444. Have you any earlier than 1836 ?—I have not.

4445. By the *Committee*.] When was Hazleton's ?—One thousand eight hundred and thirty-five ; the notice is October 1836.

Mr. *Wrangham* stated the register was also 1835 ; because, although it is dated 1836, he was rejected by the revising barrister, but admitted by the judge, and therefore it dated back to the original time.

4446. You have no notices or claims previous to the year 1836 ?—No, I have not.

Cross-examined by Mr. *Austin*.

4447. Do you mean to say there are no notices in existence, except those you have here ?—There are a great variety in existence for the county.

4448. But for the borough ?—There may be some in existence, but they are not accurately preserved.

4449. Have you made diligent search in those quarters in which the notices would be kept for the notice in this case ?—I never got any notice to produce John Hazleton's notice until this moment ; I got notice to produce the notices for the last two years.

4450. You have no notice to produce the notices for a previous period ?—No.

4451. Have you made diligent search in the quarter in which the notices would be kept for the notice of John Hazleton ?—I never searched particularly for John Hazleton's notice.

4452. Therefore, you cannot say whether that notice will be in your repository or not ?—I cannot accurately say.

4453. It may be there, for aught you know ?—Yes.

4454. You have not made diligent nor any search ?—I have made search for the notices generally in Carlow.

4455. Have you made any search whatever for the notice of this particular person ?—Certainly not ; under the name of Hazleton.

4456. Then you have not made diligent search ; you know what this list is we have been talking about ?—Yes.

4457. Has it ever happened to you to discover inaccuracies in that list ?—Very seldom.

4458. Have you ever done so ?—The notices are often inaccurate, more so than the list.

4459. The notice of claim, you mean ?—Yes.

4460. Have you ever discovered any inaccuracies in that list ?—O, there may have been.

4461. Have you ever discovered them ?—I cannot tell you this moment, unless I was to refer to it.

4462. I am not speaking of that particular thing, but of things of that description ; you have attended the registering sessions ?—I have since my appointment.

4463. Have you ever discovered errors in the printed list ?—Of course, there may be clerical errors.

4464. Have

4464. Have you not discovered errors?—I will admit there may have been errors.

4465. Have you not discovered, or have not errors been found out in the list during the progress of the registration?—There may have been some; I cannot recall the particular errors now.

4466. Do not you recall to your recollection errors have occurred; wrong names; wrong Christian names; wrong townlands; wrong parishes?—Not exactly in our list.

4467. In which list, then?—In the notices that are furnished there are frequently errors.

4468. If there are errors there, are those errors copied into that list?—Yes, they would be transferred from the notice into our list.

4469. Has it not occurred to you to discover errors in the printed list during the progress of the registration?—I will not take on myself to say there have not been errors; very few.

Mr. Humphrey.

13 May 1839.

Re-examined by Mr. Wrangham.

4470. Errors which have been copied from the notices into the list; is that so?—There might, of course, be errors in that printed list, and there may be errors in the notices which were furnished, and from which that list was made.

4471. As I understand you, this list is an accurate copy of the notices of claim?—Of the substance of the notice.

4472. That is the description of the name of the residence, description of the property, place where situate and yearly value?—Yes.

4473. Then, when there is an error in the original, that error will be transferred here?—Yes.

4474. If it is in the substantial part?—Yes.

4475. Was that the error I understood you to be speaking of when you say there may have been errors in this list?—And also there may be in the printer; there might have been typographical errors.

Examined by Mr. Austin.

4476. Have you not found errors in such a list?—They may have occurred.

4477. Have they not occurred in your presence at the registration?—I have seen trifling errors.

4478. Have you not seen the errors?—I admit I have seen trifling errors.

Examined by Mr. Wrangham.

4479. Have you ever seen a word introduced into the description of the property that was not in the notice?—I think not.

4480. A different description?—Yes.

4481. Do you mean by that, some letter introduced?—Yes.

4482. A printer's error?—Yes.

4483. My friend has asked you whether you have made diligent search for the notice of the claim of John Hazleton, and you say, no, you have not looked for the claim of John Hazleton, under that name?—Yes.

4484. Have you received notice from the agent for the sitting Member, some time ago, to search for and bring with you all the notices of claim to register for the borough of Carlow?—I did.

4485. You said something about the last two years; do you mean to say the notice you received was limited to the claims to register for the last two years?—I cannot exactly recall the words of the notice.

4486. Have you got the notice?—Not about me.

4487. Where is it?—I may have it in London.

4488. You said something about the last two years; it seems you have brought the last two years, which you said was all you had?—I have brought them, because I referred to them this day.

4489. Did I understand you rightly to say, the notices for the last two years were all you had in your custody?—Yes.

4490. Did you search for any notices, for all the notices, that you had in your custody for the borough of Carlow?—I did; I searched.

Mr. Humfrey.

13 May 1839.

4491. Did you succeed in finding any other than those notices for the last two years?—I did not find any others where I searched.

4492. Is yours the proper custody for such notices?—It is.

4493. And have you made, in pursuance of the notice which you received, have you made due and diligent search for any notices of claim to register for this borough of Carlow?—I have.

4494. In such repository as you have for keeping them?—Yes.

4495. And in places where you thought it probable you might find them?—Yes.

4496. I understood you to state to my learned friend, Mr. Austin, you had received a notice from the agent of the sitting Member to produce the notice of claim to register for the last two years?—Yes.

4497. Now, you tell me that you received a notice to bring all the claims to register for the borough of Carlow?—I think I said I did not recollect the exact terms; but he desired me to produce notices of the borough of Carlow; I do not exactly remember.

4498. Tell the Committee what it was, or owing to what circumstance, you stated to my learned friend, the two last years the notice referred to only; how came you to say that?—I stated I was clerk of the peace for the last two years and upwards; and the notices were preserved, to my knowledge, for that period, and consequently they are accurately preserved; as to those previous, I cannot say.

4499. Did you mean then, Mr. Humfrey, to state to the Committee that what you produced in pursuance of the notice was the claims to register for the last two years, or that the notice only covered the last two years, and only required you to produce those?—I cannot recollect the exact terms of Mr. Bates's notice, but I am ready to produce the notices for the last two years.

4500. Was it not a letter?—It was a letter from Mr. Bates to me.

4501. You say you have not the letter here; have you it in London?—I may have it in London.

4502. Whatever the notice was, the letter was, which Mr. Bates wrote to you, as to the production of these claims to register; did you, in consequence of that letter or notice, search for all the notices of claim to register for the borough of Carlow that were in your possession?—I had made a previous search.

4503. Did you make, in point of fact, a due and diligent search for all the notices?—I did.

4504. Of all dates?—Yes.

4505. You told us you made a due and diligent search for them?—I did, and brought them over on a former petition also to London.

4506. Then, were the only fruits of the due and diligent search which you made for all the notices, the discovery of the bundle of notices for the last two years?—That is all.

4507. Is that what you mean when you say it is limited to two years?—Yes.

4508. Then, if John Hazleton's notice is dated previous to that of 1836, and you made search for all, you made an ineffectual search for it?—Of course I must.

Examined by Mr. Austin.

4509. Just permit me to ask this fact, where are the notices for the year previous to the last two years?—I really cannot tell.

4510. Where ought they to be?—They ought to be in my office, in Carlow.

4511. Do you mean to say they are not there?—I do not find the borough notices there.

4512. Are they or are they not there?—I did not find them when I searched.

4513. You did not find them?—No.

4514. Can you say they are not there; that is the question?—I will not take on myself to say that; there are a great variety of papers in the office; I did not find them.

4515. You will not take on yourself to say they are not there?—I will not.

4516. Did you search for this particular notice?—Certainly not; I never heard of it before.

4517. By the Committee.] How long have you been clerk of the peace?—Since 1836.

4518. Did

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4518. Did you search for any notice before the last two years?—I did; I searched generally for the borough notices.

4519. Do you mean to say that there are none there; I cannot reconcile your answer?—I have got the notices from 1836.

4520. But what I want to know is, whether you can take on yourself to say, in language I am quite sure you understand, that you made diligent search?—I did, on two or three occasions; I did not look for a particular notice; I looked merely for the bundles of each session for the borough of Carlow.

4521. Were they ever handed over to you?—Not particularly; they were handed over generally with the custody of the papers in the office, never particularly.

4522. For aught you know, they may be still in the custody of the old clerk of the peace?—They may.

4523. They may be in his custody or in his office?—Yes.

4524. Then you have not examined?—His office and mine are the same; the same office has come down from one to the other; the office remains at the same place; at the court-house where I found it.

Examined by the Committee.

4525. Have you made diligent search for the notices previous to the year 1836?—I did.

4526. Have you been able to find any?—No, I did not find any.

4527. You say your father was clerk of the peace before 1836?—He was.

4528. Were you in partnership with your father?—No, I never attended a sessions until the year 1836; until I was appointed; I am a solicitor.

4529. Where was your father's office?—In Carlow; the clerk of the peace's office is in Carlow.

4530. And when you got into the clerk of the peace's office, you found no notices?—I did not look particularly for the notices of 1836, or any other notices; I received the papers generally that were in the office, that were in the press and in the office where other papers were kept.

4531. I want to know, with regard to that list, whether there has been any revision of the list?—That list was produced; it is the usual custom to produce that list at every registering sessions; at every quarter sessions it is read three times in pursuance of the Act.

4532. The names; the names are called as they appear in the list; nothing more than the names?—That is all; the names of every person.

4533. There has been no revision of the places where they reside, or description of the property?—That is after; that is when the claim comes forward before a barrister; of course the question is raised.

4534. By Mr. Austin.] And then he produces the notice?—And then he produces the notice; sometimes it is not; frequently it is not.

4535. By Mr. Wrangham.] What is done then?—He is registered from the printed list.

4536. By Mr. Wrangham.] From this list?—Yes.

4537. There has been no actual revision of the list?—There is a revision of the list.

4538. No person could certify that to be a true copy of the notice?—If the list be correct, there is no further opposition; if the list be correct, the claimant is admitted as to value or any other circumstance that may arise; there is no further question on the subject, there may be no reference on the subject.

4539. Do you keep these notices of register in any particular box or chest?—I keep them in a press now, since I was appointed; I always keep them in one particular press.

4540. In a press separate from other papers and documents?—In a separate pigeon-hole the notices are preserved.

4541. And when you came over from Carlow, did you bring with you all the notices you had in that particular pigeon-hole or press?—Relating to the borough of Carlow, I brought over all I could find.

4542. By the Committee.] I wish to know whether the affidavit and that list are compared?—Certainly not.

4543. By Mr. Wrangham.] Does this book come before the revising barrister?—A copy of this book comes before the registering barrister.

4544. By Mr. Wrangham.] A copy of this list is laid before the registering barrister.

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barrister when he holds his session?—Always; I hand a copy to the barrister of that list, and he has it before him.

Examined by Mr. *Wrangham*.

4545. If there be revision of any list it is this?—The names are called; whoever appears, each name is entered into there.

4546. If his original notice of claim be not produced, then the entry of the qualification is read from the description of it in that list?—It may not; for he must support his claim.

4547. He is called upon to sustain his claim supposing any question to arise as to what were the premises out of which he had claimed; is reference made to this list?—The barrister always refers to that list, because he has it before him.

4548. For what purpose?—To ascertain the name of the person, and out of which place he claims.

Examined by the *Committee*.

4549. About this affidavit; did you state this affidavit is copied from the notice a considerable time after the notice is prepared?—The process of registration is this: the claimant is first produced and sworn; he is then examined by the agents at either side; whoever is either to support the claim or to oppose it, examines the claimant; if no further witnesses are produced, and the barrister admits the party, he then makes his affidavit of register.

Mr. *Wrangham* stated the 19th Section of the Act explained the whole proceeding.

Examined by Mr. *Austin*.

4550. That list, you say, is at the registering session?—Yes.

4551. The duty of the clerk of the peace is to have the notice of claim there?—It is.

4552. Does it ever happen the notices of claim are not there?—Never.

4553. As it never happens the notices of claim are not there, are they always to be produced when the party is called on?—If they are required, they are always produced.

4554. I suppose in many instances they are waived?—Frequently they are not called for.

4555. The use made of this list at the session is to read the man's name alphabetically, is it not; and nothing more than his name?—Just so.

4556. Only his name?—His name and residence may be called.

4557. Is not the course to read his name?—It is.

4558. Is this list ever revised in any way whatever; did you ever hear of such a thing?—It is not revised according to the English Act.

4559. Is it ever corrected in any way?—No.

4560. Is any pen put to that list?—No.

4561. Supposing that list was wrong from beginning to end, would any attempt be made to correct it?—No.

4562. Is not the process of registration confined entirely to the examination of the notice, and making the affidavit?—Yes; the examination of witnesses and claimant.

4563. I am speaking of the documents; they are all the documents, the notices; suppose a man was rejected, you would not strike his name out of that list?—No; he would be marked as rejected.

4564. That is in the book; I am speaking of the list, not the book?—No.

4565. Nothing is done with respect to the lists?—No.

4566. Then they remain as before?—Yes.

4567. They have served their purpose, then?—Yes.

Examined by Mr. *Wrangham*.

4568. And so do the notices?—Yes.

4569. And they have served their purpose?—Yes.

The room was cleared.

The Committee deliberated.

During the deliberation of the Committee, they were informed the Speaker was at prayers.

[The Committee adjourned till To-morrow, at Eleven o'clock.]

Martis, 14^o die Maii, 1839.

GEORGE GROTE, ESQ., IN THE CHAIR.

Names of the Members called over—all present.

CASE OF THE VOTE OF JOHN HAZLETON RESUMED.

The *Chairman* stated that the Committee had resolved that the absence of the original notice had been satisfactorily accounted for, and that the Committee will therefore admit the printed list.

Mr. *Humfrey* called in and sworn; Examined by Mr. *Thesiger*.

4570. WILL you be good enough to produce your book in which the entry of the claim of this voter, Hazleton, is inserted?—This is it.

Mr. *Humfrey*.

[*It was handed in.*]

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The entry in the list was, "John Hazleton, barber, Carlow, householder; house, offices and premises, Tullow-street, Carlow."

4571. Have you got the book which was kept by the assistant-barrister at that time?—I have.

4572. At the time of the registration?—I have.

4573. Will you produce that, if you please?—This is the book kept by the assistant-barrister. [*Handing in a book.*]

Mr. *Austin* stated, as he understood the matter, it now appeared that in the affidavit of the voter he registered for "house and premises," but that in the statement in the list his claim was described to be for "house, offices and premises."

The affidavit was made from proof before the barrister, and was the original document.

Mr. *Thesiger* stated, a party not on the register sends his claim to be registered; he then appears before the assistant-barrister, and there he gives proof he is entitled to the qualification, and then the affidavit is made out according to the proof before the barrister.

The *Chairman* inquired if the affidavit was made out by the barrister after the termination of the claim.

Mr. *Austin* stated that was the case.

The *Chairman*.—Suppose the original notice of claim should have been stated in a way not conformable to the proof before the barrister, does he make out the affidavit according to the proof, and not according to the notice?

Mr. *Austin* stated, that was made according to the proof.

Mr. *Thesiger* stated, he proposed to put in the book kept by the assistant-barrister, and which was required to be kept under the Act of Parliament, to show the grounds of his adjudication.

By the 21st section of the Act it is enacted, "If the claimant is not entitled to register, the assistant-barrister shall so adjudge, and set forth the objection."

The *Chairman* inquired whether the voter had been rejected by the revising barrister.

Mr. *Thesiger* stated he had.

Mr. *Austin* stated, it appeared on the affidavit that the voter was rejected by the assistant-barrister, and admitted by the judge.

The *Chairman* inquired whether Mr. *Austin* objected to the assistant-barrister's book?

Mr. *Austin* stated he objected; as there was no authority to keep such a book; that it was not evidence.

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A *Member* inquired, what had the Committee to do with any thing else but the affidavit.

Mr. *Thesiger* stated, they were intending to show what it was the party registered for; the affidavit was in general terms, and it was necessary to show, in the first place, what it was for which the party registered. In Coleman's case, statements of what the voter registered for were admitted without their taking any objection; he therefore proposed to put in the adjudication made by the barrister at the time the voter claimed to register.

Mr. *Austin* was heard to object to the evidence. By the 21st section, all the barrister is to do is to make adjudication upon the law of the case; but this is tendered for the purpose of proving in respect of what the man claimed to register. The barrister, on rejecting the claim, is to make an order of rejection. What relation has that decision to the items of his qualification? The effect of this is to open the register. The man's title to vote is the affidavit, or the certificate of the affidavit.

For the purpose of defining the term "house and premises," you are permitted to give in evidence what the actual premises are in respect of which the man registered; as, for instance, if a man has gone from house A, for which he registered, into house B, it is competent to show house B is not the house for which he registered.

Mr. *Humfrey*, Examined by the *Committee*.

4574. What is this book?—It is the barrister's book, in which he made his orders.

4575. Is the whole of that in the hand-writing of the assistant-barrister; describe what the book is?—The book is the entry which is made of all persons who come forward to claim before the barrister, and the order of rejection or admission is made in the book, and signed by the barrister; at present it is signed by the barrister only; formerly it was kept by the barristers themselves; now it is signed by the barristers at every sessions.

Mr. *Thesiger* quoted the Kinsale case, where a similar document was produced from the custody of the clerk of the peace, the entries on which were received; the object of its production was to show the reasons assigned by the assistant-barrister for the rejection of claims to the register.

Mr. *Austin* admitted that might be a proper decision, as it only went to the extent of showing the *grounds* on which the revising barrister rejected the claim. In the Dublin Committee a case occurred in which the certificate or memorandum of the right on which the voter was admitted a freeman was held not admissible.

The room was cleared.

The Committee deliberated.

Counsel were called in, and the *Chairman* stated, the Committee wished to ask Mr. *Thesiger* whether his object in producing this book was to reverse the decision of the judge of assize, by whom this voter, Hazleton, was admitted, and whether it was his intention to obtain from the Committee a decision which would amount to opening the Irish register.

Mr. *Thesiger*.—Most undoubtedly not; not in the slightest degree. Unless I show a change of circumstances after registration, I freely admit I cannot touch the vote at all. I have not the least intention to alter the decision of the assistant-barrister or the judge; but it is upon circumstances occurring after registration—the loss of qualification—on which alone I mean to proceed.

The room was cleared.

Counsel and Agents were called in, and informed by the *Chairman*, "The Committee had resolved that they will not admit in evidence the book of adjudication of the registering barrister tendered in evidence by Mr. *Thesiger*."

Mr. *Thomas Crawford Butler* called in and sworn; Examined by
Mr. *Wrangham*.

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4576. YOU told us the other day, you had acted as agent at the registry sessions for the borough of Carlow?—Yes.

4577. Did you act in that capacity at the quarterly sessions; October and November session 1835?—I did.

4578. Do you remember John Hazleton, of Tullow-street, coming up to register?—I do.

4579. At those sessions?—October 1835.

4580. Were you present during the time when his claim was under consideration, under adjudication?—I was, the whole of the time.

4581. What were the premises out of which he claimed to register?—Two houses in Tullow-street.

4582. Do you remember how he stated those houses to be occupied; by whom?—One by himself, and the adjoining house by a person named Cuddy.

4583. Do you recollect what trade Cuddy was stated to follow?—As well as I recollect, I think it was a tailor.

4584. Now, did Hazleton state any thing as to a communication between those two houses?—He did.

4585. Now, will you state to the Committee what was the statement made at that time?—That he had opened a communication by putting up a door between his house and Cuddy's.

4586. Did he state in what character Cuddy occupied one of those houses?—As his lodger.

4587. Do you remember—you were the agent, I think you said, against the vote?—I was.

4588. Do you remember what was the objection; whether any objection was raised to the vote on the ground of what is called "the lodger's point"?—There was.

4589. That objection was raised?—There was the objection of the lodger's point raised.

4590. Explain to the Committee what you mean about the objection on the lodger's point?—At that time it was not quite clear whether persons having lodgings could register or not; and he, among many others, was rejected at those sessions upon that point.

4591. Pray, were you afterwards agent with respect to this claim at the assizes?—I was.

4592. You can tell us whether the voter appealed from this decision of the barrister?—He did.

4593. To the judge?—Which appeal was afterwards tried at the following assizes; which took place in March 1836.

4594. Did the judge affirm or reverse the order of the barrister on this lodger's point?—He reversed the decision.

4595. Upon this lodger's point?—Upon the lodger's point.

4596. The vote was then of course entitled to register?—It was.

4597. By the *Committee*.] How do you know the judge reversed the decision on that ground?—I was present at the argument, and I have the notes of the trial that I took down at the time.

4598. By the *Committee*.] You heard the judge deliver his reasons?—Yes; I first heard the point argued by counsel on both sides, and then heard the judge deliver his judgment, and I have a note of it in my brief, that I had for my counsel.

4599. By the *Committee*.] And his affidavit of registration was confirmed?—It was; it was taken.

4600. In point of fact, was there any other point submitted to the judge to decide, except this lodger's point?—No; but he had been rejected on value, but that was not gone into.

4601. You say he had been rejected on value?—Yes.

Mr. *Austin* objected to the statement of his being rejected on value, as that would be opening the register.

Mr. *Wrangham* stated, the purpose for which he asked the question, on the ground of value, was this; that he having claimed for two houses he

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was rejected first of all, on the lodger point, because the house was occupied by a lodger, and it was then doubtful whether such part of a house could be taken into consideration when out of occupation of the voter, and in possession of the lodger; but he was also rejected on the ground of value before the revising barrister. The object was to show that, as taking the two houses together, he was rejected on the ground of value, that if he parted with one, it was strong evidence that the one that remained was not of sufficient value.

Mr. *Austin* was heard in reply. This is clearly opening the register; this course would justify inquiry as to the value at the time of registration.

Mr. *Wrangham* stated that he was only pursuing the course which had been adopted in Coleman's case.

Mr. *Cockburn* was heard to explain the nature of Coleman's case.

The room was cleared.

The Committee deliberated.

Counsel and Agents were called in, and informed by the *Chairman*, "The Committee have resolved that Mr. *Wrangham* be allowed to persist in the question now put, as to the alleged rejection of Hazleton's vote before the registering barrister, partly on the ground of insufficiency of value."

Mr. *Butler* re-called; and Examination continued by Mr. *Wrangham*.

Mr. T. C. Butler. 4602. YOU say he had been rejected upon the ground of want of value?—He had.

4603. Do you mean that the barrister decided that the whole of the holding of the two houses out of which he claimed was insufficient in point of value?—

Mr. *Austin*.—Will the Committee allow that question to be put?

The *Chairman*.—Certainly; on the clear understanding Mr. *Wrangham* intends to show the voter had since parted with a portion of his property.

Mr. *Wrangham* stated such was the case: if it could be shown that he retained all for which he claimed to register, the barrister's opinion would go for nothing.

4604. Do you mean that the barrister decided that the whole of the holding, the two houses out of which he claimed, was insufficient in point of value?—He was rejected generally on the point of value.

4605. Do you mean by that that he was rejected on the ground of want of value for the whole premises?—O, certainly; for the whole holding he then sought to register for.

4606. That included the portion occupied by Cuddy?—Yes.

Cross-examined by Mr. *Austin*.

4607. When did this registration take place?—October 1835.

4608. Do you remember the particulars of all the cases that took place before the barrister?—I do, generally speaking.

4609. Did you take a note?—I did.

4610. And you recollect these particulars, do you?—I do.

4611. Were you present when the appeal was tried before the judge?—I was.

4612. What was the question settled then?—The lodger's point alone.

4613. Never touched the other?—Never touched the other.

Examined by the *Committee*.

4614. I think you stated that Hazleton's vote was rejected by the barrister, in the first instance, on two grounds; namely, on the lodging point, and also on the insufficiency of value?—I did.

4615. He appealed against that decision to the judge?—He did.

4616. And the judge reversed the decision of the barrister with respect to the lodging point?—Yes.

4617. How then did he get over the insufficiency of value, if he had been rejected also by the barrister, on the ground that his property was of insufficient value?—The value was not touched upon at all; it was not mentioned.

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4618. It was not touched upon before the judge?—No.

4619. When was he admitted, then?—At that time.

4620. At once?—Yes.

4621. Then you gave up that point about insufficiency of value?—There was not a word said upon it; we had five or six on the same point of lodgers, and the one decision guided the whole.

4622. You stated you prepared the brief?—Yes.

4623. How came you to overlook that point in your brief?—Indeed, I do not know; we were all anxious about the law point, we never touched upon the value.

4624. Did you intend to go into the point of value before the judge, and omitted it or forgot it?—Forgot it; we did intend it, and I take it it was an oversight; but I have a remark made at the foot of the brief at the time—"the value not gone into."

4625. So that the decision of the assistant-barrister may be reversed by the judge of assize on other grounds than that on which he has rejected the vote?—It was reversed on those two grounds, and only one point gone into.

4626. It was rejected before the assistant-barrister on two grounds, on the ground of insufficiency of value, and on the ground of what you call the lodger's point?—Yes.

4627. But it was admitted, on appeal by the judge of assize, on the ground that there was no disqualification by part of the premises being let out?—Yes, that is what we call the lodger's point.

4628. So that the decision of the revising barrister or assistant-barrister, upon two points, was reversed by a decision on one, by a judge of assize?—Yes.

Examined by Mr. *Wrangham*.

4629. I think you stated, in consequence of the anxiety upon this lodger's point, which was common to a great many cases, the question of value had been omitted?—It had.

4630. And that the decision on one case ruled all the rest?—Ruled all the others on the same point.

Examined by Mr. *Austin*.

4631. You remember what took place at the registration?—Yes.

4632. Do you remember the man being there?—Hazleton?

4633. Yes.—I do.

4634. Do not you remember his stating to the barrister that he paid 13*l.* rent for the property?—He did, and he was allowed 1*l.* a year off that for keeping his house thatched.

4635. By the *Committee*.] How do you reconcile that with the statement, the value was not gone into?—That was before the revising barrister.

4636. Did he state who his landlord was; did you hear that?—I think it was a person of the name of Belton.

4637. You say the voter stated before the barrister he paid 13*l.* a year, with a reduction of 1*l.* to keep his house thatched?—That was his evidence.

4638. Notwithstanding that evidence, the barrister rejected the claim?—He did.

4639. I need hardly ask you whether that 13*l.*, the alleged 13*l.* a year, was the rent he stated himself to pay for the whole of the premises, including Cuddy's occupation?—Yes, he specified 8*l.* for his own house, and 5*l.* for Cuddy's; that the 1*l.* was allowed out of the 8*l.* for his own; and, therefore, 7*l.*, in point of fact, was his own rent.

4640. I think you stated the registration; the consideration of the claim at the assistant-barrister's registering sessions came on in the autumn, the October sessions of 1835?—Yes.

4641. This appeal was heard before the judge at the next assizes in March?—In March 1836.

Examined by the *Committee*.

4642. What part of Tullow-street is this house?—I do not know its situation, further than its being in Tullow-street.

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4643. Tullow-street

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4643. Tullow-street is a public street in Carlow, is it not?—One of the leading streets of Carlow.

4644. Was the lease produced at the registration?—No, there was no lease, as I recollect; I do not recollect the lease.

4645. What was it, a receipt for the rent?—It was mere parole testimony; there are no leases ever produced.

4646. And no receipt for rent?—Sometimes receipt for rent.

4647. In this case, was there a receipt for rent?—I rather think there was.

4648. You do not know what receipts they got?—No, I do not know the contents of them.

4649. You reside in Carlow, do you?—Yes.

[The Witness withdrew.]

Mr. Edward Dowling, called in and sworn; Examined by Mr. Wrangham.

Mr.
Edward Dowling.

4650. WERE you present at the borough registry sessions in October, held in October 1835?—I was.

4651. Do you remember John Hazleton, of Tullow-sreet, coming up on his claim to register as a voter?—I do.

4652. Can you tell the Committee what the premises were out of which he claimed to register?—The house that he resides in, and a house that a man by the name of John Cuddy lives in.

4653. Is he a tailor?—I think the name is John.

4654. Were those houses adjoining to each other?—They are.

4655. Do you remember any thing being said of a communication between the two houses; a door-way?—I do.

Mr. Austin objected to the question.

The Witness was ordered to withdraw.

Mr. Wrangham stated, the object was to show what the voter had parted with since the registration.

Mr. Austin was heard to object to the question. Supposing it is put upon the ground of ascertaining what the premises were out of which the man registered, still the evidence was not admissible, as this was going into details of what took place, and not merely inquiring what it was the party registered for. This was re-trying the case heard before the revising barrister.

Mr. Wrangham was heard to contend this fell within the last decision of the Committee, and it was quite open to him to show that the voter had parted with a portion of the property for which he was registered. The evidence he now sought to give was also a declaration of the voter, which was always admissible in evidence against the voter.

Mr. Austin was heard to reply. The question proposed to be put was not what the voter said at the registration. According to the decision of the Committee, it may be proved before the Committee for what premises the voter registered; but this question presupposes that all that took place before the revising barrister may be gone into. If that is the case, there is an end of the finality of the Irish register.

The room was cleared.

The Committee deliberated.

Counsel and Agents were called in, and informed by the *Chairman*, the Committee had resolved, "That Mr. Wrangham be allowed to continue his examination of the Witness, Dowling, as to the premises for which the voter, Hazleton, claimed to register in 1835."

Mr. Edward Dowling again called; Examined by Mr. Wrangham.

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Edward Dowling.

4656. DO you remember whom that was said by; any thing being said about the communication between the two houses?—I do not recollect who said it.

4657. Was it said by a witness giving his evidence to the registering barrister?—It was, but I have no recollection of the witness; those were the grounds on which that application was made.

The

The *Chairman*.—What does he mean by the grounds of the application ?

Mr. *Wrangham*.—That was the ground on which the claim was supported.

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4658. Do you mean that was the ground on which the claim was supported before the registering barrister, that these two houses were one ?—Yes, I do.

4659. Do you know these houses well enough to be able to speak to the value of either of them, or both ?—I do not.

Examined by the *Committee*.

4660. Were you ever in those houses ?—Never.

4661. Do you know the situation of the houses ?—I do.

4662. They are situated in Tullow-street, are they not ?—They are.

4663. Whereabouts in Tullow-street are they situated ?—I think about the centre of Tullow-street.

4664. In one of the best parts of Tullow-street ?—It is very well situated.

[The Witness withdrew.

Thomas M'Quaid called in and sworn ; Examined by Mr. *Thesiger*.

4665. I BELIEVE, M'Quaid, you live in Tullow-street, in Carlow ?—Yes.

4666. And you have lived there for some years ?—Yes.

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4667. Do you know the house in which John Hazleton, the voter, lives ?—Yes.

4668. In Tullow-street ?—Yes.

4669. Do you know the house in which Cuddy lived ?—I do.

4670. Was your house next door to Cuddy's house ?—Yes.

4671. Cuddy, we hear, was a tailor ?—Yes.

4672. Now, Cuddy's house and Hazleton's house adjoin ?—Yes.

4673. Were you frequently in those houses ?—I was.

4674. You know the premises well ?—Yes.

4675. Now, in the month of October 1835, was there any door of communication between Hazleton's house and Cuddy's house ?—There was.

4676. In October ?—Yes.

4677. Was there any before October 1835 ?—In September there was.

4678. In September 1835, you say there was ?—Yes.

4679. Now, had you been in the premises before that time, so as to know them well, and to see whether there had been any door of communication between them ?—I was.

4680. Was there any before ?—None.

4681. By the *Committee*.] Before September 1835 ?—No.

4682. By the *Committee*.] There was none, you say, before September 1835 ; but there was in September 1835 ?—Yes.

4683. Was there an outer door to Cuddy's house ?—There was.

4684. Into the street ?—Yes.

4685. Was there also an outer door to Hazleton's house ?—Yes.

4686. Was that also into the street ?—Yes.

4687. Were those two doors perfectly distinct from each other ?—O, yes.

4688. Now, before September 1835, were the two houses distinct houses ?—Yes.

4689. Each having a separate outer door ?—Yes.

4690. You say one was occupied by Cuddy ?—Yes.

4691. Had Cuddy a family ?—A wife and children.

4692. And was the other occupied by Hazleton ?—Yes.

4693. Had Hazleton in his own house ; had he any lodgers ?—Yes.

4694. Now, do you remember learning that Hazleton was in the list of persons claiming to be registered ?—I do.

4695. Did you go to the house in consequence ?—I did.

4696. Did you find any opening ; that any opening had been made between Hazleton's house and Cuddy's house ?—I found there was a door-way, but it was closed.

4697. I am speaking of the period before registration ?—O, yes.

4698. Did you find any door-way ; any communication had been made between Cuddy's house and Hazleton's house ?—Yes, in September.

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4699. So that you could then pass from Hazleton's house to Cuddy's, and from Cuddy's to Hazleton's?—Yes.

4700. Internally?—Yes.

4701. Now, after October 1835, when Hazleton registered, were you frequently upon the premises?—Yes.

4702. Both Cuddy's and Hazleton's?—Yes.

4703. Was the communication, which you say had been made in September 1835, was that left open, or was it closed up?—Closed up.

4704. How soon after the registration do you think you went to the house?—The week following.

4705. Was it closed up then?—It was.

4706. Then, after it was closed up, were there the two outer doors; the outer door to Hazleton's and the outer door to Cuddy's house, which were used by them as the means of getting to their different houses?—Through them out into the street.

4707. They had, in fact, two separate outer doors?—Yes.

4708. Were the two houses occupied separately, one by Hazleton and his lodgers, and the other by Cuddy and his family?—Yes.

4709. Were you in the premises; have you been in the premises since the election?—Yes.

4710. By the *Committee*.] Since the last election?—Yes.

4711. Were you there shortly before the election?—I was.

4712. How shortly before?—Why, the week before the election.

4713. Now, in the week before the election, was this door-way or communication opened or stopped up?—It remained stopped up.

4714. Now, in Hazleton's house, is the door painted in any way, or whitewashed?—The wall and door is all whitewashed equally along.

4715. The wall and door is all whitewashed equally along?—Yes.

4716. The interior door?—Yes.

4717. Is that on Hazleton's side?—Yes.

4718. And was that so at the time of the election?—It was.

4719. I am speaking now of the door-way or communication which was opened in September 1835, and closed shortly after the registration?—Yes, that is the one.

4720. Is Cuddy now in the occupation of that house, the adjoining house?—No.

4721. Who is the person who occupies that house now?—A man of the name of Keefe.

4722. What is Keefe?—A nailer.

4723. Have you been on the premises since Keefe has had them?—I have.

4724. Have you observed where he has placed his forge, the bellows and other machinery of his trade, or his implements?—I have.

4725. Where is the forge placed?—Along by the edge where that door-way was; the door-way of communication; his hob and bellows are along the range where the door of communication was.

4726. That is across the door-way?—Yes, down along the whole of the wall; by the wall.

4727. By the hob; do you mean his furnace or forge?—Yes, what we call a hob; what a nailer or smith works upon.

4728. Is it an anvil?—No, the hob is what you heat the iron upon.

4729. By the *Committee*.] Where is the chimney?—There is no chimney; stone coal is burnt.

4730. By the *Committee*.] Is the fire put opposite the door?—Yes.

4731. Is the hob raised on bricks?—Bricks and stone, built just like a table.

4732. By the *Committee*.] Do you mean to say the wooden door has been removed and stopped up with bricks?—No, not at all.

4733. That this hob, which we understand as the furnace, that that stands before the door-way or communication, where the door-way or communication had been?—Yes.

4734. And the nozzle of the bellows goes into this furnace?—Yes.

4735. By the *Committee*.] It does not disturb the door at all?—No.

4736. By the *Committee*.] The door remained there?—Yes.

4737. By the *Committee*.] Is there room for a person to pass between the furnace and the door?—The hob is up quite close to it.

4738. By the *Committee*.] That is now?—Yes.

4739. Has that door-way, ever since the time it was stopped up after the registration, when it was whitewashed, like the rest of the room; has it been continued closed up?—Yes.

4740. Do you know whether it was fastened in any way; nailed in any way?—It was.

4741. I had forgotten to ask when it was that Cuddy went out, and Keefe succeeded him?—Cuddy went out in March, and Keefe succeeded him in April.

4742. By the *Committee*.] Is the witness speaking of last March?—Yes.

4743. By the *Committee*.] Was that after the election?—Yes.

4744. Now, you have lived in Tullow-street, next to these premises, for some time; for some years?—Yes.

4745. Now, in your judgment, what is the value of the house which is occupied by Hazleton himself and his lodgers?—

Mr. *Austin*.—Does that mean as distinct from Cuddy's house?

Mr. *Thesiger*.—Yes.

Mr. *Austin* was heard to object to the question. The Witness is now asked the value of that portion of the property supposed to be remaining in the occupation of Hazleton. The voter is objected to by the sitting Member, on three grounds, contained in Class No. 2, the first of which is as follows: "This class contains the names of certain voters on the poll for Mr. Gisborne, whose votes are objected to as bad and illegal; for that such voters, and each of them, being registered as having voted as householders in respect of alleged qualifications arising from the occupation of houses, warehouses, counting-houses or shops, as the case may be, had, previous to the time of polling, and since their registry, ceased to hold or occupy, as tenants or owners, the whole or some part of the premises in respect of which they had been so registered, and in right of which they claimed to vote, and did vote; and did not, at the time of polling, continue to occupy the same as such tenants or owners respectively." The objection, therefore, taken in the list is, that he has ceased to occupy the whole or part. Under that head of objection, no question can be permitted to be asked about value, that being a distinct objection. By the Grenville Act, now in operation, the 9th of George 4, c. 22, s. 14, it was enacted, in all cases of controverted elections, the parties shall deliver lists of the votes intended to be objected to, giving in the same list the several heads of objection, and distinguishing the same against the names of the voters excepted to. There are two Irish Acts upon the subject, the one the 42d of George 3, c. 106, s. 3, in which the parties are required to interchange with and among each other lists of all votes and of the names of all voters to which either of the said parties propose or intend to object; and they are also required by the same section to interchange statements. The other Irish Statute is the 47th of George 3, c. 14, s. 4, which enacts, that the parties appearing before any Select Committee under the Grenville Act, and delivering any list of votes, or the names of voters, to which either of the said parties propose to object, shall in such list specify and particularize, against every vote and against the name of every voter contained in such list, the specific and particular ground or grounds of objection upon which such party proposes and intends to object against such voter or voters respectively, and that no evidence shall be adduced before such Committee, or any Commissioners that may be appointed by the Committee to investigate the case in Ireland, other than on the grounds so specified or particularized." The objection here specified and particularized is not the objection touching which it is now proposed to institute an inquiry. The first head of objection particularized and specified against the name of this voter, Thomas Hazleton, is this, that having been registered as a householder, in respect of alleged occupation, arising from the occupation of a house, he has since his registry ceased to occupy as tenant the whole or some part of the house, and that he did not at the time of the holding continue to occupy such house or part thereof. Under that objection, it may be shown Hazleton has entirely ceased to occupy the house, which would be a decisive objection, and his name might then be struck off the poll. But

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it might also be insisted he has ceased to occupy part of the house; and it would be competent under that objection to maintain by argument, that, having ceased to occupy part of the house, he has thereby ceased to retain his qualification, and ceased to have a right to vote at an election under such registration. That is not the argument now; it is not now being contended that he has been disabled from voting because he has ceased to occupy part, but that he is disabled from voting because the part which he retains is not of the value of 10*l*. There may be three objections to the voter; first, that the voter does not occupy the whole; second, that he only occupies part; third, that an occupier holding only part, that that part is not of sufficient value to entitle him to vote. This voter has only been objected to upon the two former parts. In the statement delivered in on the part of Mr. Gisborne, Class 2, contains this: "That the voters had ceased to hold the property in respect of which they had registered; and also for that their qualification did not continue at the time of polling." And Class 3 contains this: "For that the voters, at the time of polling, had ceased to hold and occupy a part of the premises in respect of which they had been respectively registered, the remainder being not of the sufficient value to confer a vote." The second head of objection to this vote, in Class 2, is this: "Secondly, for that he had parted with a part of the qualification on which he was originally registered." That is precisely the same as the first head of objection. That is not saying, "he has parted with part of the premises, and the residue is under the value of 10*l*," but simply that he has parted with a portion of the premises for which he was registered. The third head of objection in Class 2 is this: "Thirdly, that the qualification for the said voter did not continue at the time of his polling." That is objectionable, on another ground: to say that "a man's qualification did not continue," is simply to say, "it was a bad vote," and does not contain the specification and particularization required by the Act; but, at all events, the question of value is not raised there.

The Committee had resolved, in the case of Matthew Jenkinson, to construe the lists strictly, there being two Matthew Jenkinsons on the register; and no designation being given of which was objected to, the Committee had refused to enter into either.

The learned Counsel then proceeded to cite cases to show that where wrong spelling of a name had been given in the lists, Committees had refused to enter into the investigation of the merits of the vote: and quoted, for that purpose, the Galway case, page 475, Cockburn and Rowe; a case in the Kingston-upon-Hull Committee, Knapp and Ombler, 426; and cases, in page 203, in Faulkner and Fitzherbert's Reports, where many decisions in the Dublin Committee on that subject were collected together.

The learned Counsel submitted, as the Act of Parliament was imperative, that the specific objections to the vote should be set out; and as there was no specification against this voter on the ground of his not retaining a property of 10*l*. value, the question proposed to be put was inadmissible, as it went to the point of value, and was intended to show that the voter at present did not occupy premises of sufficient value.

Mr. *Thesiger* was heard in support of his right to put the question. The question is one of great importance. The objection made is, that it is not competent to ask the value of the house occupied by Hazleton, because distinct notice of such objection has not been given in the list. The English Act has nothing to do with the question, the point depending entirely upon the Irish Acts.

The case of Matthew Jenkinson, decided by the Committee, and which has been relied on by the other side, has no relation to the case. The other cases quoted, relative to misnomers, have no bearing upon the case, being decided upon a principle applicable to such cases only.

Under the first head of objections in Class 2, no person could have entertained a doubt; the objection was, that Hazleton, having registered in respect of a certain qualification, had parted with such part of it as rendered him incapable of voting for what remained.

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It is not necessary in the lists to specify the evidence which is to prove that the party has parted with his qualification, which is a 10 $\frac{1}{2}$ occupation. The object of the Act is that parties should have specific notice of the objections intended to be made; and stating that a party has parted with all or a part of that for which he registered, is a specific statement of the objection.

The other side have introduced into their list of objections that the part retained by the voter was not of 10 $\frac{1}{2}$ value; but that is unnecessary to be done, and it can make no difference that the other side have done more than necessary.

The second head of objection in Class 2 is, "that the voter has parted with the whole or part of the qualification on which he had originally registered."

The part for which he originally registered was 10 $\frac{1}{2}$ value. That is a specific objection.

The third head of objections in Class 3 contains a substantive ground of objection, but it also may be taken as explanatory of the two former heads of objection in the same class.

The third head of objection is, "For that the qualification of the said voters, as such registered voters, did not continue at the time of their voting."

The Committee are aware of what the qualification was at the time of the registration; the opposite parties are acquainted with what the particular qualification was of John Hazleton when he was registered.

This is the statement, that the qualification of John Hazleton did not continue at the time of voting.

There can be no difficulty in the party understanding the ground of objection.

It is said this is not particular enough; it is the expression in the oath required by the Act, which is, that the voter must swear his qualification as such registered voter still continues.

Suppose John Hazleton, having parted with part of his qualification, leaving him less than 10 $\frac{1}{2}$, took that oath, he would be indictable for perjury.

The party must remain a 10 $\frac{1}{2}$ occupier; if he is not a 10 $\frac{1}{2}$ occupier, then he has not the same qualification, and his qualification as such registered voter does not continue.

Taking the last heading, in conjunction with the others, it was evident what was the nature of the objection intended to be insisted upon.

The statement in the list is sufficiently explicit, and shows plainly what the objection meant to be relied on is; and therefore there is no good objection to the question.

Mr. Austin was heard to reply.

The question is, is this or not a sufficient specification under the Act of Parliament; if it is a sufficient specification under the Act of Parliament, the question may be put; if the Act is not complied with, then the question cannot be put.

It has been stated, there is no analogy between the cases cited and the present.

Matthew Jenkinson's case, decided by the Committee, is applicable to the case; that was an objection to proceeding in a vote, because sufficient notice had not been given of the voter's intending to be objected to.

There is no word in this objection which would justify the party who conducts this petition in bringing over witnesses to prove the value.

The objection is specific and particular in this respect, that it charges some voters with parting with the whole of their premises, and others with having parted with a portion.

But where is there any reference to value? neither specific nor particular; there is no allusion to the value.

The last head of objection is, that the voter did not retain the same qualification he had at the time of registration.

That is, neither specific nor particular. It is no more than saying, "A man had not the qualification for which he registered, or that he has lost it

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it since registration. What is the meaning of the term "qualification?" Qualification includes occupation as tenant or owner; it includes the entire occupation, the joint occupation, and the value of the premises; it includes the period for which the premises have been held before registration, and since.

The oath taken at the poll is conclusive upon the point; the oath is, "My qualification, as such registered voter, still continues."

Therefore, if the voter may be compelled at the poll to affirm his qualification still continues, it is contended it is a sufficient objection to say, "Your qualification does not continue."

The Legislature required of the party that he should attest at the poll to the continuance of all the essentials of voting; it meant that he should attest to the value, and all those facts, without which he could not have got on the registration.

A qualification is made up of particulars, which particulars you are to look into the Act of Parliament to find.

If the part retained was of insufficient value, he would perjure himself by taking the oath at the poll.

The object of the Legislature is, that the objection should be so specified that the party may not be put to the expense of having witnesses to defend every particular of his qualification before the Election Committee.

The Act of Parliament requires a particular specification of the objection; this is no specification and particularization of the objection now sought to be gone into, but it is only a specification that the voters have lost part of then the whole of their property, and the others, that they have parted with a part.

It might have been said in the objection that the premises remaining were not worth 10% a year, or they might have used some words conveying the idea that the part remaining in the occupation of the voter was not of 10% value.

The room was cleared.

While the Committee were in deliberation, the Speaker was announced to be at prayers.

[The Committee adjourned till To-morrow, at Ten o'clock.]

Jovis, 16^o die Maii, 1839.

GEORGE GROTE, ESQ., IN THE CHAIR.

Names of the Members called over—all present.

The room was cleared.

Committee deliberated.

Counsel and Agents called in, and informed by the *Chairman* that the Committee had resolved that the question proposed by Mr. Thesiger may now be put.

Mr. *Austin* inquired whether the resolution involved a decision that the heading of the list is sufficient.

The *Chairman* stated, that was the substantive meaning of their resolution.

CASE UPON THE VOTE OF JOHN HAZLETON RESUMED.

Thomas M'Quaid called in and sworn; Examined by Mr. *Thesiger*.

Thomas M'Quaid.

4746. NOW, in your judgment, M'Quaid, what is the value of the house occupied by Hazleton himself, as distinct from Cuddy's?—Six pounds.

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4747. Is that, in your judgment, the outside value?—It is.

Cross-examined

Cross-examined by Mr. *Austin*.

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4748. What do these premises consist of?—Is it Hazleton's?
 4749. Yes.—It consists of one room, which is used for parlour and kitchen and altogether; and adjoining the house there is a shed, which is used for lodgings; adjoining the house there is a small slated shed.
 4750. By the *Committee*.] Does it open into the house; is there an internal door?—The front door in the street leads to all; you first enter into the front room and then into the shed.
 4751. By the *Committee*.] Is the shed a back room?—It is like a back room; it is a kind of back room.
 4752. You say there is a room and a shed behind?—Yes.
 4753. Is there a yard?—Yes.
 4754. And a garden?—Yes.
 4755. Do you put your value on the entire premises?—Yes, on Hazleton's.
 4756. Do you put your value on the whole of Hazleton's premises; the yard, garden and all?—Yes.
 4757. What is the value of the yard and garden?—About 2 *l*.
 4758. Do you know Cuddy's room?—Yes.
 4759. Which is the bigger; Cuddy's room or the room which you say belongs to Hazleton?—Hazleton's is.
 4760. Is Hazleton's room three times as big as Cuddy's?—It is not.
 4761. Is it twice as big?—No.
 4762. How much bigger?—As large and half as large.
 4763. As big, and half as big again?—Yes.
 4764. What do you say is the value of Cuddy's part?—Cuddy's house?
 4765. Yes.—Four pounds.
 4766. One, you say, is 6 *l*.; the other is worth 4 *l*.?—I say, the other is worth 6 *l*.
 4767. And Cuddy's is worth 4 *l*.?—Yes.
 4768. The whole being worth 10 *l*.; is that it?—Yes.
 4769. And no more?—Not to my value; I would not value it at more.
 4770. This house is in Tullow-street; what part of the street is it in?—Nearly the centre, I think.
 4771. Nearly the centre?—I think so.
 4772. Are there shops on either side?—On the other side of the street there are several, and some huxters' shops on the same side.
 4773. We have heard Tullow-street is the principal street in the town?—It is a very fine street; a fine street for business.
 4774. This, you say, is about the middle?—Yes.
 4775. Is this then a fine place for business?—Yes; it is a very good standing for business.
 4776. Is there any room above Cuddy's room; any room over it?—No.
 4777. Do I understand you that Cuddy's room is only a single room, or his house or whatever you call it?—His front room is a front room like Hazleton's, and there is another shed similar to Hazleton's behind.
 4778. Do you know whether Cuddy was any relation to Hazleton or not?—I believe he was a relation to his wife.
 4779. Was he his step-son?—He was married to Hazleton's step-daughter.
 4780. Married to Hazleton's wife's daughter?—Yes.
 4781. Do you know when Hazleton married the mother?—No; I do not.
 4782. Cuddy had been living there a considerable time, had he not?—Yes.
 4783. Long time before the registration?—Yes; some time.
 4784. When do you say the door was shut up?—In September.
 4785. Last September?—No.
 4786. In September 1835, was it?—Yes.
 4787. They had been living there before the registration?—Yes, they had.
 4788. Then all that time, up to September 1835, they had been living with the door opening upon its hinges; is that so?—There was no door at all before September 1835.
 4789. The wall was plastered up?—Yes.
 4790. There was no door-way?—No.
 4791. When are you speaking of?—I am speaking up to September 1835.
 4792. Do you mean there was no door at all before that time?—There was not.

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Thomas M'Quaid.

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4793. When was the door put up?—In September.

4794. September 1835?—Yes.

4795. If I understand you, the registry was in October 1835, and this you say was in September 1835?—Yes.

4796. You give the whole at the value of 10 *l.*, you say?—Yes.

4797. That is the outside?—Yes; that is my value.

4798. Was it worth more than that in 1835?—It was not.

Examined by Mr. *Thesiger*.

4799. Have the goodness to explain these sheds you have spoken of; you say Hazleton, the house now occupied by Hazleton, there is one room which serves for parlour and for kitchen?—Yes.

4800. Is the shed at the side or back of his house?—At the back of the yard.

4801. Do you pass from his room into that shed?—Yes.

4802. By the *Committee*.] There is a communication into the shed and room?—Yes; used for lodgers.

4803. How many rooms are there in that shed?—One; all in one.

4804. Is that shed the sleeping place?—Yes.

4805. Of the family?—Both the room and that shed are used for that purpose.

4806. The front one is parlour and kitchen and all?—Parlour and bed-room and all.

4807. Then, Cuddy's house is exactly in the same way; there is a front room and the shed at the back?—Yes; the shed of Cuddy is built up against my workshop wall.

4808. I suppose you go from Cuddy's room into the shed at the back?—Yes.

Examined by the *Committee*.

4809. You are a whitesmith, I believe?—Yes.

4810. When that door was put up, did you put any lock upon it?—No.

4811. You mentioned it was closed up?—Yes.

4812. In what way; was it nailed up?—Nailed.

4813. On which side were the nails fixed?—On both sides.

4814. Nailed on both sides?—Yes; there was a reason for that too.

4815. What was the reason for it?—Cuddy and Hazleton were not on good terms.

4816. Did they ever mention to you it was put up at their mutual wish?—They never did; never.

4817. Did you ever have any conversation with Hazleton about his premises; about the rent he paid for them?—Never.

4818. You mean to say, the door was put up in October 1835?—In September 1835.

4819. Do you know the value of premises generally in Tullow-street?—Pretty well.

4820. Can you tell me what any other house lets for in Tullow-street?—I have a house the very next door to it myself, two stories high, and slated, with good apartments and garden, and all for 10 *l.* a year; and this house is not my height, a small thatched cabin the next door to it.

4821. Do you hold your premises on lease, or by the year?—By the year.

4822. Are not rents considered high in Carlow?—Indeed, I believe, since the registration there has been a rise in them.

4823. Whom do you hold your house from?—From Mr. Fishbourne.

4824. Did you take an active part in the last election?—I was a friend of Mr. Bruen.

4825. Did you canvass for him?—No.

4826. Do you know who the landlord of Hazleton's house is?—I think it is a Widow Belton.

4827. You voted for him; you did nothing else on Mr. Bruen's behalf but vote for him?—I voted for him.

4828. And nothing else?—No more.

4829. Was the door closed in consequence of the quarrel between Cuddy and Hazleton, or to separate the premises?—They were always quarrelling.

4830. Do

4830. Do you know that Cuddy rented the house of Hazleton?—I heard he did. *Thomas M^rQuaid.*

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4831. Who told you so?—I heard it.

4832. Who told you so?—Cuddy.

4833. You are sure the door was closed in October 1835; if I understand you rightly, there was a communication made in September 1835?—Yes.

4834. And you stated also it was closed in October 1835?—After the registry.

4835. That was a month after?—Yes.

4836. What leads you to remember that circumstance?—Because I was going to oppose Hazleton at his registry for want of value; I was determined to oppose Hazleton on the ground of value.

4837. You were in Mr. Bruen's friend's employ at that time?—I was not in Mr. Bruen's employ.

4838. You were acting as a friend to Mr. Bruen in opposing him?—I lived next door, and I know the premises well.

4839. What trade is Hazleton?—A barber.

4840. And what trade is Cuddy?—A tailor.

4841. And you were a whitesmith?—Yes.

4842. And being in a principal street like Tullow-street, a barber should be in the front; it would be to his interest to have a front shop?—Indeed, there are several other barbers in Carlow not living in a front street at all.

4843. You stated Hazleton's premises were worth 6*l.* a year?—Yes.

4844. And that Cuddy's premises were worth 4*l.* a year?—Yes.

4845. And you stated Hazleton's garden was worth 2*l.*?—Yes.

4846. And the house 4*l.*?—Yes.

4847. You stated also the room of Hazleton's was a better room than the room in Cuddy's house?—Yes.

4848. If that is the case, how is it that Hazleton's house is not worth more than Cuddy's house?—Cuddy's house is in better repair than Hazleton's.

4849. You value the whole at 10*l.*?—Yes.

4850. You value Hazleton's house at 4*l.*?—Yes.

4851. And Hazleton's garden and yard at 2*l.*, that is 6*l.*?—Yes.

4852. You value Cuddy's house, which has no garden and no yard?—He has a yard.

4853. Has he a garden?—No.

4854. Is Hazleton's yard or Cuddy's yard the biggest?—Hazleton's.

4855. Then Hazleton's yard and Hazleton's house is bigger than the house and yard of Cuddy's; how is it that Hazleton's house is not worth more than Cuddy's?—Cuddy's house is in better repair than Hazleton's; there is a very fine window in front of Cuddy's house for the tailors to work at.

4856. The work-shop?—Yes.

4857. I thought you said there was a forge in it?—That is since Keefe had it.—

Mr. *Thesiger* stated that Keefe, since the election, had occupied it with a forge.

—Hazleton's house has but one small window in front.

4858. Cuddy's house is a more showy house than Hazleton's?—It is.

4859. Are the sheds about the same size?—Yes.

4860. How many beds do those sheds accommodate?—I have often reckoned 10 or 12 beds in one room.

4861. What do they let those beds at a night?—Some 2*d.*, some 3*d.* or 4*d.*

4862. That makes 20*d.* a night of those beds?—They do more; they charge some people 4*d.* and other people 2*d.*

4863. How comes it you only value those houses at 4*l.* a piece, and they make 20*d.* a night?—Because they are not respectable lodgings; if it was a respectable lodging, and they got call, it would be worth more.

4864. Are they generally full of lodgers; that house?—Indeed, they are sometimes; but the description of people are sweeps, tinkers and beggars, and all such as that.

4865. Do you think this door would have been closed, had the parties remained on good terms?—I think it would.

4866. You said just now, in consequence of the quarrel, that door was closed?—I thought that was the meaning of it; but I think it would have been closed.

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4867. That

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4867. That is only your opinion?—Yes.

4868. You mean to say, it was closed in consequence of the quarrel?—Yes.

4869. You have no reason to suppose it would have been closed for any other cause?—No.

4870. Did you ever know that door open after it had once been closed?—Never.

4871. In the quarrel, which party do you think was wrong?—Is it regarding the quarrel?

4872. Yes.—Why, Hazleton has a step-son, a very drunken character, and I think he was the principal cause of the quarrel; Cuddy is rather a quiet man, and his wife too.

4873. Hazleton has a step-son that is obnoxious to Cuddy?—He has a step-son, who is a great drunkard and great blackguard.

4874. Cuddy thought the best way to get rid of him was to nail him out?—Yes; and often he thought to get into the front door of Cuddy, in his drunken humours.

4875. Was that the reason that eventually they parted, that Cuddy left the premises?—I really do not know.

4876. That was the reason that Cuddy nailed the door to keep him out?—I think it was.

[The Witness withdrew.]

Mr. *Henry Malcolmson* called in and sworn; Examined by Mr. *Wrangham*.

Mr.
Henry Malcolmson.

4877. WHERE do you reside?—In Carlow.

4878. What occupation do you follow in Carlow?—My profession is that of an apothecary.

4879. Are you the proprietor of considerable house property in the town of Carlow?—I have some property in the town.

4880. Of that nature; of house property?—Yes.

4881. Do you know the premises occupied by John Hazleton?—I do, very well.

4882. Do you recollect Hazleton coming up to register his vote?—I do.

4883. That, we understand, is in the autumn session of 1835?—Yes; I think it was in the autumn session of 1835.

4884. Do you remember what were the premises out of which the voter in his examination swore that he wished to register?—Out of the house that he occupied, and a place that it appeared he broke an entrance from his own house into, occupied by a person of the name of Cuddy.

4885. That I understand you to be the statement made by the man himself, Hazleton?—Yes, distinctly, and both under the same roof.

4886. And that he had broke a communication from one to the other?—Yes.

4887. Have you ever been in those premises?—Yes.

4888. For instance, in the course of last year, have you ever been in them?—I was in those premises in February 1838.

4889. Was the communication between the two houses at that time open?—It was closed.

4890. Now, will you state to the Committee if you had an opportunity of observing it; state to the Committee in what way it was closed?—The door that was broke out from Hazleton's to Cuddy's house was then barred and nailed up, and whitewashed on either sides of it; I examined it.

4891. Do you mean it was whitewashed like the rest of the wall?—Exactly; with lime.

4892. How was the furniture disposed of?—The furniture was against that part of the house which was apparently the door-way originally; the door-way which was made.

4893. Was there the slightest appearance of any communication between the two houses?—None in the world; there was the very reverse; any one looking at it would see that every communication was cut off, from the manner in which the door was closed; it had that appearance also in Cuddy's house; I went into Cuddy's house and examined it in the same way.

4894. The appearance tallied on each side?—Yes.

4895. Have you been in the house since the period of which you are speaking?—I was.

4896. When

4896. When was the next time you have been in?—I think in April last.

4897. Tell us whether in April last that door had been opened, or whether things remained in the same situation, as far as that door was concerned?—Decidedly in the same situation; and in the interim, from 1838 to April 1839, I passed the place frequently, when I had an opportunity of seeing it; for it is a circumscribed, small place, and I observed it in the same situation.

4898. By the *Committee*.] Do you mean, when you passed you saw this interior door?—Yes, as I passed the street.

4899. By the *Committee*.] Could you see the interior door as you passed by the house in the street?—Evidently; the place is so very small and circumscribed.

4900. By the *Committee*.] Did you go into it?—No.

4901. You saw it in passing along the street?—Yes, occasionally passing by upon my business.

4902. You could see this door still remained closed up?—Yes.

4903. Did you see that through the door-way from the street door or window?—Through the street door of either house; it is a partition that divides the two houses, and any person passing could see the situation of it.

4904. Have you seen the house since the time you spoke of in April?—I did; I saw it on the 11th of this month; I did not go for the purpose of examining it on that occasion.

4905. What was the object of your going?—I went to see Hazleton; John Hazleton, the owner of one part of the house.

4906. Did he say any thing to you about the house?—Yes.

4907. By Mr. *Cockburn*.] When was this conversation?—The 11th of May.

4908. What was it he said to you?—

[The Witness ordered to withdraw.

Mr. *Cockburn* was heard to object to the question. The conversation took place after the ballot was struck, and is therefore not admissible. The case arose in the Southampton Election Petition. The Committee held, in Primer's case, that a statement of a voter subsequent to the ballot was not admissible. Cockburn and Roe, 118.

Mr. *Wrangham* was heard in support of the question; as there is no real distinction between the admission of a voter before the ballot and after the ballot. Mr. Rogers, in his book, quoting the case of Primer, states he could not see any sound distinction between a declaration of a voter before the ballot and after the ballot. In cases in courts of law admissions made by a defendant are evidence up to the moment of the trial, and in criminal cases admissions of the prisoner made during the trial are received against himself.

Mr. *Cockburn*, in reply. Until the decision in the Southampton, it was very doubtful whether a voter's admission could be taken at all; it had been argued three times in that Committee, and the Committee in that case confined the admissibility of declarations of the voter to those made before the ballot. The voter is not in the situation of a party; he has parted with his interest in a great measure, and it has been taken up by the sitting Member, and those who oppose his seat, and they are in reality the parties contesting the question before the Committee. It is only by a fiction the voter is put in the position of a party at all. After the voter has given his vote, his interest is gone. In the case of a party to the cause, there is an interest in him existing up to the time of the determination of the suit. This is a conversation long after the lists of objection have been handed in. The principle of law which says, hearsay evidence after the *lis mota* has arisen, is applicable to this case. This is more in the character of hearsay evidence than the declaration of a party; the voter being only a *quasi* party.

The room was cleared.

The Committee deliberated.

Counsel and Agents were called in, and informed by the Chairman, that the Committee have decided, "They will not permit Mr. *Wrangham* to put his questions to the Witness, as to his conversation with the voter on the 11th of May."

Mr. *Henry Malcolmson* re-called; Examined by Mr. *Wrangham*.

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4909. YOU have told me that you had some conversation with Hazleton, the voter?—I did.

4910. The Committee have determined you are not to state what that conversation was, and therefore do not do so; in answering my future questions, speak as to what you know of your own knowledge. Do you know whether Cuddy is living there now, himself?—He is not.

4911. Do you know who is?—A person of the name of O'Keefe, a nailer.

4912. Have you seen the premises since Keefe has been there?—I have.

4913. Has any passage been made in the communication between the two houses since he has come in?—It is in the same state.

4914. As to this door?—Exactly.

4915. You have told me you have some house property yourself, and live in the town of Carlow; how long have you lived there?—Twenty years.

4916. Do you feel yourself, in consequence of those circumstances, competent to speak to the value of house property of this description?—I do.

4917. To let by the year?—I do.

4918. What, in your judgment, is the outside value which you think the part of the premises which is held by Hazleton, including his yard and garden, would fairly bear?—I think 5 *l.* 10 *s.* to 6 *l.* would be a very high value for it; I have better houses myself set for 4 *l.*, but not in so good a situation.

4919. By the *Committee*.] Is that for both houses?—No, for the one; I think it would be as good a situation for the business carried on in Hazleton's house.

4920. Allowing for the advantageous situation in which Hazleton's house is placed; is it not in Tullow-street?—Yes.

4921. Then you make that addition?—I do.

4922. What, in your judgment, is the outside annual rent which Cuddy's portion of the premises, including his yard as well as his house, would bear?—I think the rent that Keefe told me he was to pay for it, 5 *l.* 4 *s.*, is a high rent.

Mr. *Wrangham* admitted that the statement of Keefe was no proof of the value.

Cross-examined by Mr. *Cockburn*.

4923. You said you were an apothecary?—Yes.

4924. You are one of the principal proprietors of the "Carlow Sentinel"?—Yes; I am the sole proprietor.

4925. That is a paper in the Conservative interest in Carlow?—Yes, it is.

4926. Rather strongly so, is it not?—I think it is upon fair and reasonable principles.

4927. Not at all warm or zealous; have you taken much part yourself in the election?—I have.

4928. You have taken a very active part in the election?—I have.

4929. I need hardly ask whether on the Conservative side?—On the Conservative side.

4930. Have you attended the registrations always?—No.

4931. Have you frequently attended the registrations?—I have.

4932. Have you attended the last half-dozen registrations?—I rather think not.

4933. The greater part of them?—I attend them occasionally, but never continually.

4934. Have you been a witness in most of them?—In some of them I have.

4935. Has it generally been on questions of value?—Yes.

4936. Are you a valuer by business?—I think myself competent to value; it is not my business.

4937. Then, if I understand you, at those registrations you have attended, you have attended as a witness to questions of value?—Yes.

4938. I need hardly ask you whether always in support of Conservative votes, or in opposition to votes on the other side?—In support of Conservative votes, and in opposition to votes on the other side.

4939. Have you attended also at the registration of the county voters?—I have not; I have been there when the registration was going on, but not as a witness.

4940. Have you ever attended as a witness on such an occasion?—Never, as I remember.

4941. Do

4941. Do you mean to say positively you never have?—I will not say positively.

4942. Surely you can recollect the fact, whether you have attended at the county registration as a witness?—I do not recollect I did, nor do I believe I did.

4943. You say you were in these premises in February 1838; may I ask what took you there?—To value them; to ascertain the value.

4944. Do I understand that on those occasions, when you have been to speak as a witness to the value of the premises, that you have gone, in the first instance, to value them?—Always before I put a value on them I went to examine them minutely.

4945. It was not from previous knowledge of the premises, which arose from your knowledge of the locality, but from your actually going to see the premises?—To see the nature, and to ascertain, as far as I could, the fair and honest value to be put on them.

4946. Not in the least putting a value on them as a partisan; not at all, I suppose?—Putting a fair and honest value on them.

4947. Did you ever, after going to value the premises, did you ever give evidence in respect of that vote against your own party?—What is that?

4948. After giving a value of the premises in the way you describe, if the value turned out differently from what you anticipated, did you ever give evidence in one instance in favour of the vote against your own party?—I never did; there were plenty to do that on the other side.

4949. You went to value in February 1838; did you tell the voter, Hazleton, what you had come to the premises for?—I did not see him on that occasion.

4950. Whom did you see?—I saw three or four persons, whom I conceived to inmates of the house.

4951. Did you see his wife?—I would not know his wife if I had seen her.

4952. Did you go over the premises?—I did.

4953. Did you go into the rear; the back and the yard?—Yes, I did.

4954. Did you ask leave?—Certainly.

4955. You did?—Yes.

4956. Of whom?—Of those persons whom I saw in the place, who were very willing to show it.

4957. Who attended you when you went there?—A Mr. Wilson.

4958. Who is Mr. Wilson?—He is a gentleman who resides in Carlow.

4959. Who else?—I do not remember any other person.

4960. You were there again in April last?—Yes.

4961. Do you mean in April of this year?—Yes.

4962. What did you go for then?—To ascertain if the premises were in the same condition at that time.

4963. You knew in February that the vote was to be objected to?—Yes; I thought so.

4964. I suppose you were desired to go there, were you not; you were requested to go there by the agent for the sitting Member?—Yes, I was.

4965. Did you see Hazleton there?—I did not.

4966. Or his wife?—Yes; I saw persons in the house, but I cannot say whether it was his wife or not; I saw persons in the place.

4967. You say you frequently, in the interval between the February of 1838 and the April of 1839, you frequently passed?—Yes.

4968. And that you could see that the door was still in the same condition?—Quite so.

4969. What sized room is it; the room that Hazleton occupies?—A very small room; there is but the two rooms in the place.

4970. Now, is the partition in which this door has been broken, is it at right angles with the street?—Exactly; completely so.

4971. Whereabouts is this door; is it in the middle of the partition?—The middle; the centre of it.

4972. Could you see there had been a door there?—Yes.

4973. What is it; is the partition wall plaster or wood?—It is plastered upon either side of the door.

4974. The whole of the partition is plaster?—Yes; and whitewashed.

4975. Is the door plastered?—No; but the wall on either side of the door is.

4976. By the Committee.] Plastered and whitewashed?—(No answer.)

4977. Do you mean, the door was plastered and whitewashed?—No.

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4978. The door was painted white like any other door?—It was not painted; it was dashed with whitewash, with lime.

4979. Like the wall?—Yes.

4980. In what way was this fastened up?—It was locked, bolted and nailed.

4981. Whereabouts was the bolt; near the lock, or up above or below?—It was not very far from it; the door is not more than four feet altogether; about three feet wide.

4982. What is the height of the room?—The whole house is only six feet from the street to the eaves; to the thatch.

4983. Tell me whereabouts was the bolt?—It was very near the centre of the door.

4984. Where were the nails by which the door was fastened up?—Very convenient to the edge of the door, where it was likely they would take hold to fasten it.

4985. Will you tell me whereabouts in the door; whether in the upper part, or the centre, or the lower part?—I cannot; I did not look so very minutely, not to tell you the exact position of the nails.

4986. The bolt was a common bolt?—It was a wooden bolt, that appeared to be nailed and fastened.

4987. Do you mean to swear, on your oath, there were any nails in that bolt?—I swear positively when I viewed it in 1838 and 1839 that the door was nailed and fastened, so that it could not be opened.

4988. What do you mean by a bolt fastened?—A piece of wood that fastened the door so as to prevent its being opened if the lock was unlocked.

4989. Do you mean it was a piece of wood that went right across the door?—I do not.

4990. Describe what sort of a bolt it was?—A bolt that is fastened on one side of the door that goes into the jamb, so as to secure it against being opened.

4991. If that went into the jamb it would not require nailing to fasten it?—Yes, it would, because it could be opened by great facility otherwise.

4992. Could it be opened from the other side?—From Hazleton's side.

4993. Was it the same side of the door as the lock was?—Certainly.

4994. Which side was the lock, to the right or to the left?—On Hazleton's side; it had every appearance of a place that had not been open for a length of time; I saw cobwebs about the place; the upper part of the door I saw cobwebs.

4995. When you say the door was nailed, do you mean it was nailed by the means of nailing up of this bolt, or was it nailed independent?—Independently.

4996. Whereabouts was it nailed?—I told you before; along the jamb of the door; if you nail the door along the jamb and fasten it, it was nailed in that way; secured, so that it could not be opened by the lock.

4997. All the way down?—Yes.

4998. Was the bolt painted over like the rest of the door?—All the door had the same appearance, dashed over with lime.

4999. Do you remember whether, as you went along the street, you could see the bolt?—Could see the door plain.

5000. I am asking about the bolt?—Give me a book, and I will show you the position. Suppose this is the partition; the door was originally bricked up; suppose there the centre; if I go past here, looking in, I could with great facility see whether that door is fastened or not, and in like manner on the other side.

[*The Witness described with a book in his hand.*]

5001. By the *Committee*.] Do you mean, you looked through the outer door, the outer door being open, or did you look through the window?—Here is one door, and here is the other; here is the partition in the centre (*describing*).

5002. By the *Committee*.] You say you looked through the outer door, the outer door being open when you passed?—The outer door which opened into the street; here is the door; if I am going past I could see how that door is situated in the centre, in like manner on this side.

5003. You saw it through the open street door?—Yes.

5004. Not through the window?—Not at all; there is no window in Cuddy's house.

5005. By the *Committee*.] No window in Cuddy's house?—No; there is a place exposed; that he has nails exposed for sale; you could see it through that aperture, where nails are exposed for sale; it is fastened up at night.

5006. There is an opening, but no window to the opening?—Yes.

5007. You
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5007. You say the bolt was fastened by means of nails?—Yes.
5008. Do I understand you by saying there was a fastening by means of nails on the bolt, that there were other nails to the door?—I should think so; I have no doubt in the world of it.
5009. Will you swear it?—I will swear that it was fastened.
5010. Will you swear that there were nails besides the nails which you say were on the bolt?—Most undoubtedly; the door was fastened independent of the fastening of the bolt.
5011. And the fastening of the lock?—Yes.
5012. Do you swear it was fastened by nails?—I do.
5013. That you have seen those nails?—Yes.
5014. Now, whereabouts; whereabouts were those nails in the door?—In the side of the door.
5015. Do you mean all the way down from the top to the bottom?—Different parts; along the side.
5016. How many nails will you undertake to say there were?—I will not undertake to swear.
5017. Will you say there were three?—I will.
5018. Four?—I will not swear there were more than three or four nails in it; I am sure there were nails fastening the door.
5019. On which side was the fastening; on Cuddy's side?—On the side next to the yard.
5020. Is that Hazleton's side?—Yes, certainly.
5021. Was there any fastening on Cuddy's side?—No, not that I saw; no, I am sure there was not, there was no necessity; it was fastened enough inside.
5022. You say there was not—never mind the necessity—you say there was not?—No.
5023. Do I understand you there was no window to either of these shops; either Hazleton's or Cuddy's?—I did not say that; there is a window in Hazleton's, a broken window.
5024. None in Cuddy's?—No, not that I have seen; I have never seen a window in it.
5025. Will you say there was no window in Cuddy's?—Not in Cuddy's part, while in the possession of Keefe.
5026. Was the whole door, bolt, nails and all painted white; whitewashed over like the rest of the wall?—It was on either side, both in Cuddy's side and Hazleton's.
5027. The whole whitewashed over?—Yes; and cobwebs.
5028. Do you mean to say, in passing along, you could see the bolt and the nails, notwithstanding the white paint on them?—No, I do not say any such thing; but when I went to see it in 1838 I saw it so.
5029. Answer one question at a time; do I understand you to say or not to say, in going along and looking in at the door, you could see that door was fastened up in the manner you saw it when you were inside the house?—Yes.
5030. You say, going along you could see the door was fastened up in the same manner you had seen it on the inside?—Yes.
5031. I ask you, on your oath, could you either see the bolt or nails in passing along the outside?—I could not see the nails as distinctly as in 1838.
5032. Could you see them at all?—I do not think I could.
5033. What did you mean by telling me you could not see them as distinctly as you did in 1838?—In the interim between 1838 and 1839, I had occasion to pass by that frequently, and the place appeared to me in the same situation, and that door in the same state.
5034. What did you mean by saying you could not see the nails and bolt as distinctly as when you were inside; when, in the same breath, you admit you could not?—Because I was outside, passing casually.
5035. Could you see them at all?—I could see the door the same as I can see that door.
5036. I asked if you could see the bolt and nails?—I could see the bolt.
5037. You could see the bolt?—Yes.
5038. Could you see the nails?—I do not think I could; I have no doubt if I had stopped to look, I could have seen the nails and bolt from the street.
5039. I am asking you what you did see; did you see the bolt and the nails?—I saw the bolt.

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5040. Did you see those nails you have described?—The bolt was nailed up by the side of the door; so that it was raised; so that the bolt could be seen and the nails, not from the street.

5041. You could see it was fastened up as you went along, both as you looked into Cuddy's door and into Hazleton's?—Yes.

5042. How do you explain that, when you tell me there was no fastening on Cuddy's side?—It was fastened on Cuddy's side.

5043. In what way was it fastened in Cuddy's side?—It was fastened and shut up.

5044. How?—Is not "that" door shut up on that side (*pointing to a closed door*).

5045. Is that what you mean to represent; do you mean to say you could see when you went in at Cuddy's door, that door was fastened up in the manner you have described to the Committee?—Yes.

5046. Although there were neither bolts nor nails on the other side?—There was no necessity for it.

5047. If you had not looked in at Hazleton's side, could you have seen by looking in at Cuddy's door, that door was bolted up in the way you described?—No; because you could not see through the door.

5048. Do you mean to say, when you saw that door from this side you could tell in what manner it was fastened on the other?—Certainly, if I had passed by the moment before on the other side, I could see it.

Re-examined by Mr. *Wrangham*.

5049. You have said that this door was in the middle of the partition, dividing the two houses?—Yes, that is what I say.

5050. Give the Committee as accurate a notion as possible of the length of that partition from the front to the rear of the house?—I think I can.

5051. I should like to know how big it was?—I think it was about 16 feet, the partition, from the door over to the side wall.

5052. Sixteen feet deep?—Yes.

5053. The door, you say, about three feet wide?—About three feet wide.

5054. Six feet from the front, and six feet from the rear, from the door?—Yes; something about that.

5055. At no great distance from the street door?—Not at all.

5056. Did I understand you to say that the door was whitewashed on both sides of it?—I did.

5057. Like a wall?—I did; the same colour.

5058. In passing by Cuddy's part, then, although the bolt and lock were on the other side, you could see the whitewash continued there unbroken on the door and on the wall?—I could see Cuddy's partition whitewashed, and the door in the same state it was on Hazleton's side.

5059. Could you have seen, from your opportunity of observation, if there had been any alteration in the state of the door on either side, or a bolt or lock on Hazleton's side?—No apparent alteration whatever.

5060. Could you have seen it if there had been any alteration?—I could.

5061. You observed none?—None whatever.

5062. Now, you say in Cuddy's part, during Keefe's occupation of it, there was no window, as I understood you to say?—During Keefe's occupation I never saw a window in it; a large aperture.

5063. You said something of an aperture; will you explain to the Committee what it was you spoke of, it being a place where goods were exposed?—Nails; there was an opening where a window could be put in, and where nails were exposed for sale.

5064. Keefe is a nailer?—He is; I have seen him making nails.

5065. And has a forge there?—He has.

5066. There was an opening in the front, was there, of Keefe's part?—Yes.

5067. That, as I understood you, was not glazed?—No.

5068. But was closed at night, you said, by a board?—I should think so; it must have been closed at night by a board, on which in the day the nails are exposed for sale.

5069. You were asked whether you went to value these houses in February 1838?—I did.

5070. Was there an election petition then coming on?—There was; it was for that purpose I went to ascertain its value.

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5071. My friend has asked you as to your having been employed to value other premises, and being a witness, and so on, and you have stated to him you were never called on to give evidence against your own party, supposing you found on valuation you could not give favourable evidence; I would ask you whether you refused to give evidence for either party who has called on you to be a witness?—What is the question?

5072. Have you refused to give evidence for either party which has called you into the box?—I have refused to give evidence on cases; I have refused, if my memory serves me well; I have refused to be called on as a witness in some cases.

5073. Were those cases in which, when you could not give favourable evidence to your party, you declined to be called by them?—Most unquestionably; and when I went to view places on the opposite side, and when I ascertained and saw the state of them, I of course did not go to oppose them, because I conceived they had the value.

5074. Do I understand you in such cases to have reported that fact to the party employing you?—Yes, certainly; I cannot say I was ever employed by any party.

5075. Employment rather attaches to it an idea of remuneration?—I never got remuneration, and I never expected it; never asked it.

5076. You were asked to go and look at it?—Yes, asked to go and look at those places.

5077. You have been a witness occasionally at this registry sessions?—I have.

5078. You are the editor of the "Carlow Sentinel"?—I am not.

5079. Proprietor?—Yes.

5080. Did you ever happen, in the course of your attendance on the registry sessions, to meet Mr. Bolger, the editor of the "Carlow Independent"?—I have seen him there.

5081. He used to be examined now and then as a witness on the other side?—Yes.

5082. At all events, with your experience, gathered from your knowledge of the town and of your own property, and from this experience at the registry sessions, if my friend pleases, have you any doubt you are giving the utmost value these premises are capable of bearing when you say from 5*l.* 10*s.* to 6*l.* for Hazleton's portion, and 5*l.* 4*s.* for Cuddy's portion?—I have no doubt in my mind I am putting a very fair, if not a high value upon them.

Examined by the *Committee*.

5083. What is the size of the garden?—It is seven perches long, and about seven yards wide; six or seven yards wide.

5084. How much is the surface altogether; a quarter of an acre, a quarter of a rood, or what?—I put a value on it, and that was 1*l.*; as a convenience to a person, I thought 1*l.* a fair value for it.

5085. Seven perches long?—Yes; and between six and seven yards wide.

5086. And you value it at 1*l.*?—Yes.

5087. You have seen these premises; both houses; Cuddy's house and the other house?—Yes.

5088. Inside?—Yes.

5089. Is the back room or the front room the larger?—The front room is much the larger; the back room is an oblong low place; the back room is four feet and a half from the ground; the side wall of it; I measured it.

5090. What is it in length?—I suppose about double that.

5091. Eight feet long; nine feet long?—Yes; I think about nine or ten feet long; nine, ten, or eleven.

5092. You could tell pretty nearly the size?—Yes.

5093. What width is it?—I could tell by referring to my notes.

5094. You had better do so; have you your notes in your pocket?—I have.

5095. You had better turn to them?—I have.

5096. When were the notes made?—In 1838, and I took a short note of it in 1839.

5097. The room remains the same size?—Yes.

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5098. By Mr. Cockburn.] Were your notes made at the time?—They were; the kitchen is 15 feet by 14.

5099. Is that the front room or back room?—That is the front room.

5100. And the back room?—Four feet from the ground; six yards long, and four wide.

5101. Then they are nearly the same size; the back room and front room, in square yards?—I think not.

5102. One is 15 feet by 14 feet?—One is longer than the other.

5103. In square yards?—Very nearly; but one is not so high as the other.

5104. What is the back room used for?—Lodgers.

5105. Used as a lodging place?—So the person I saw there told me.

5106. How many would it accommodate?—I believe there were three or four beds put up close together in it; very close together, which very nearly filled it.

5107. You saw the door made between the two houses distinctly?—To prevent any communication.

5108. Were the hinges of the door nearest the front door; were the hinges nearer the street?—The hinges were next the street.

5109. And you could see distinctly the lock was on Cuddy's side?—On Hazleton's side.

5110. And the bolt as well?—And the bolt.

5111. Which way did the door shut?—Shut against the house now occupied by Keefe.

5112. Was there any thing to obstruct your sight between Cuddy's entrance door and the door when you saw it the other day in Keefe's possession?—No.

5113. Nothing between the front door of Cuddy's property; Cuddy's room and the door; you could see distinctly the door?—I could.

5114. From top to bottom?—Yes.

5115. You could see if it had been nailed on that side?—I could; but I did not perceive any nails on that side.

5116. Who was in the occupation of that house when you last saw it?—A person by the name of Keefe; Cuddy had left it some time ago.

5117. When did Cuddy leave it?—Before the last election.

5118. Are the houses nearly the same size?—I think Hazleton's is the largest; I think there is very little difference in them.

5119. The garden you measured also, you are sure; the garden is seven perches long and five yards wide?—I did not measure it myself; I was looking on at the time; to the best of my recollection, it is about seven or eight perches long, and six or seven yards wide.

5120. Have you the particulars of the measurement there?—It is there.

5121. Refer to it?—Small garden or plot ten perches long and five yards wide; this I did not measure myself.

5122. Is that Hazleton's garden?—Yes.

5123. And what is the value you put upon it?—About 1 l.

5124. Whereabouts is this house situated in Tullow-street?—Nearly the middle of the street; not the best part for business.

5125. Which is the best part?—Near to the Market-square.

5126. Do the houses go worse as they go further up the street?—They are of less value, and they are not of so good a quality.

5127. What degree of difference?—A house will set near the Market cross for 30 l. or 40 l. a year; you may get a house at Mr. Fishbourne's end of it from 10 l. to 15 l. or 20 l. a year.

5128. We are speaking now about the middle of the street; this house is about the middle of the street?—Yes.

5129. There are houses at the other end of the street from the respectable part of the street; are they of less value than those in the middle of the street; there are houses at the other end from the respectable part; are they of still less value?—Not less value than Hazleton's.

5130. But I mean the general quality of the houses?—I think not; I think from Hazleton's up, there is very little difference as to the situation for business.

5131. Do you know your brother?—I do.

5132. Francis Malcolmson; he is a valuer of this kind of property?—I understand he has valued houses in Carlow.

5133. Is he more competent to value these things than yourself?—I think not.

5134. Have

5134. Have you in your memorandum-book the admission of Cuddy's holding?
—I have not.

5135. What was the size of Quinlan's garden compared with this?—I do not know.

5136. By Mr. Cockburn.] Are Cuddy's rooms on the right-hand side or left-hand side of Hazleton's?—On the left-hand side, as you go up the street.

5137. Were those dimensions ascertained by yourself, by actual measurement? By actual measurement by myself, with the exception of the garden; it is a very dirty way out of the garden, and I did not proceed there myself; but there is a gentleman here who did, a Mr. Wilson.

5138. By Mr. Thesiger.] Supposing you are walking into Hazleton's house, on which side is Cuddy's?—You leave Hazleton's on the left.

5139. Is Cuddy's nearest to the Market-square, or Hazleton's?—Hazleton's.

5140. I think you said Hazleton's door was locked?—The partition door.

5141. Was nailed and locked?—Yes.

5142. There is a lock on it?—Yes.

5143. Is it a wooden lock?—A wooden lock.

5144. Is there a handle to the lock?—No handle.

5145. Can you tell me whether there is a window to Cuddy's house?—No, I say not.

5146. Was there no window to it when Cuddy had it?—I rather think there was; I am not positive; because I never took the trouble of ascertaining the value of Cuddy's house, or the extent of it.

5147. You are not certain on the subject?—No.

5148. You are sure there is no window now?—I am; I passed repeatedly, and I have seen no window; and I have seen nails exposed for sale.

5149. Which do you think the most valuable, Hazleton's house or Cuddy's?—I think Hazleton's, because Hazleton's has the garden, a little plot of ground.

5150. Independent of the garden, leaving alone the garden, which one, should you say, is the most valuable, Cuddy's or Hazleton's?—I think there is very little difference between them; I should put very little difference on the value of the two.

5151. Is there not a forge now in Keefe's part of it against the door that has been stopped up?—No, it is not against the door.

5152. Where is the forge?—The forge is to the left.

5153. And the door on the right?—The door on the right, as you go in.

5154. The inside door is on the right, and the forge is on the left?—Yes; that is as well as I recollect; I did not take particular notice of Cuddy's house.

5155. You told me just now, you could see the door from top to bottom?—Yes, I could.

5156. And that must confirm you?—Yes, I did; and it is so.

5157. Are you positive the forge is not against the door?—I think not; I think not.

5158. You must take this with you?—When I saw Cuddy's house, I mentioned to you I had seen that door between 1838 and 1839; I did not go into Cuddy's house, because I never went to ascertain the value of Cuddy's house for putting a value on it.

5159. Have you been into Cuddy's house since Keefe has taken possession of it?—Yes, I have, and I was in it.

5160. How long ago?—In April.

5161. Was there a forge against the door then?—I think not; I really do not know well what you mean by a forge.

5162. What is the trade of Keefe?—He is a nailer.

5163. How does he carry on his business; is it not necessary to have a forge in the house to carry on his business?—There is a bellows.

5164. Where does he make his nails?—In the room; the whole house may be called the forge.

5165. Where is the machinery, the bellows, and all that; is it against the door, or where is it; what part of the room is it?—I think it is in the centre of the room, as well as I recollect.

5166. And does Keefe sleep in this house?—I presume he does; I do not know whether he does or not.

5167. Did you see any goods?—I did not; I did not examine the place particularly.

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Mr. Henry Malcolmson. 5168. On which side are Keefe's hob and bellows?—I think it is on the left side; the left-hand side; I cannot be positive.

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Mr. *Thesiger* stated, that was the case against the vote.

[The Witness withdrew.]

CASE IN SUPPORT OF THE VOTE.

Mr. *Thomas Haughton* called in and affirmed; Examined by Mr. *Cockburn*.

Mr. *T. Haughton*.

5169. YOU are, I believe, a magistrate for the borough of Carlow?—For the county of Carlow.

5170. Do you reside in Carlow?—Adjoining it.

5171. Within a short distance; within a quarter of a mile?—Less; my gate-house is in the town.

5172. You have house property in the town, have you?—I have.

5173. Have you been long a resident in Carlow?—All my life, except about eight or nine years.

5174. You are well acquainted with the town, then?—Yes.

5175. Do you know the premises occupied by John Hazleton in Tullow-street?—Yes; I know them, so far as having inspected them about a year and a half ago.

5176. What premises did you inspect of his in Tullow-street?—His dwelling-house, and garden attached to it; I took a note in writing of it.

5177. Did you take it at the time?—Yes.

5178. Is that it?—[*Handing a book.*]—That is it; in company with two others we examined it and we measured it; this is all in my writing.

5179. And made at the time?—And made at the time; it was made at the time or about the time, and copied out immediately on the spot.

5180. When was that made; when was the inspection?—If the Committee will allow me to look for the date; it was in February 1838.

5181. By the *Committee*.] You inspected the premises in February 1838?—Yes.

5182. What premises did you inspect in Tullow-street; Hazleton's?—I inspected his house, offices and premises.

5183. What did the house consist of that you inspected?—The house consisted of a house one story high, thatched; two additions in the rear, slated.

5184. What rooms did the house consist of?—A yard and a garden, ten perches and a half long by nine paces broad; by nine yards broad, nine paces we take it.

5185. What is the length of a perch?—Seven yards is a perch, Irish measure; five and a half, English.

5186. What does the house consist of?—Two rooms on the left-hand side, let to a weekly tenant at 2s. 4d. a week; but a free communication.

5187. Tell me what were the rooms; you say you have a note of the two rooms let to a weekly tenant; do those two rooms form part of the house, in your view of it, that you inspected?—Yes.

5188. What had Hazleton besides those two rooms occupied by Cuddy; what had Hazleton himself?—I have not taken a note, except that he owned the room at which you entered, and he owned a part to the right; the slated part to the right, as you went out in the back; how many rooms, I did not take a note of.

5189. You say Cuddy had two rooms?—I did not take any name down.

5190. Do you remember the room which the weekly tenant had, or the two rooms?—I cannot distinctly remember, because I have taken no note of it; he stated to me—

5191. Never mind that; was there or not any communication; any door or other communication between the rooms which the weekly tenant had, and the room which he himself owned?—Yes, there was a door.

5192. You are speaking of February 1838?—Yes.

5193. Was that door at that time blocked up in any way or not?—No.

5194. Was it fastened up?—No; as I am not at liberty to read the note I have written here—

5195. You can read the note to yourself, and having refreshed your memory, can state what you remember?—There was free communication between all parts

of the house from that middle room; from that apartment let to the weekly tenant there was free communication into the house. Mr. T. Haughton.

5196. Was the door nailed in any way?—No, indeed.

5197. Have you ever been in the house since?—No, not to my knowledge.

5198. Do you remember what time in February that was; you say February 1838; can you tell what time in February?—It was the 13th or 14th of February; we commenced the valuation on the 13th and it lasted two days; it might be the 15th of February; I cannot positively say the exact day; no, I see it was later than that; it was Tuesday, the 27th of February 1838; it was very severe weather.

5199. Did the door exhibit marks of nails, or of having a bolt fastened into the jamb, or any thing of that sort?—No; it did not strike me as having any appearance of being nailed up.

5200. Was it whitewashed over the door, like the rest of the partition?—I cannot take on myself to say that now.

5201. Is the whitewashing a door a common mode in this description of house in Ireland?—It is not very uncommon in a humble class of houses.

Cross-examined by Mr. Thesiger.

5202. How came you to go to these premises in February 1838; what took you there?—In order to give evidence before the Committee of this House on the occasion of a petition lodged against the return of Mr. Baron Maule.

5203. Did you go on behalf of Mr. Baron Maule?—I went on behalf—

5204. Of the sitting Member?—Of course.

5205. Pray, had you employed yourself; I will not say had you been employed; had you employed yourself on any previous occasion in valuing for the purpose of giving evidence?—No, I rather think not; it was the first time I think I ever did.

5206. May I ask you whether it is the last time?—It is the last time, with the exception of three or four places that I visited previously to leaving home.

5207. This time?—Yes; four; not having this book by me at the time I went to see the houses.

5208. Do I understand you correctly, Mr. Haughton, this was the first time you had ever valued premises for the purpose of giving evidence, and that you have never since valued any, except three or four that are now in your book for the present occasion?—Yes; that is the fact.

5209. May I ask what you are?—I was a distiller; I have retired from trade.

5210. Did you know any thing of these premises in the year 1832?—I cannot be positive; I may have gone into them: The former question I understood as applying to giving evidence before a Committee; I may have gone to houses to examine to give evidence before a court.

5211. Have you, on any previous occasion, valued houses for the purpose of giving evidence before this February?—Does the counsel mean giving evidence here, or giving evidence below?

5212. I mean any where?—O, I suppose I have; I have frequently inspected houses for the purpose of giving evidence before the barrister's court below.

5213. Of course you have?—Yes.

5214. Then you have attended the assistant-barrister's court for the purpose of giving evidence on the value of houses?—I did once or twice some years since.

5215. How long ago?—I think it was immediately after the passing of the Reform Bill; the first registry.

5216. In 1832?—Yes; about that time.

5217. It was at that time you attended the assistant-barrister's court?—Yes.

5218. Now, do you know at that time, in 1832, the voter, Hazleton, was in possession only of the house which he now occupies?—I do not know; I have no recollection whatever of the situation of his house in 1832; I cannot be positive of any thing I have not taken a note of.

5219. Probably you have not your memory in that book; as that book will not inform you of any thing in 1832, be good enough not to refer to it, but attend to my question; do you recollect whether Hazleton in 1832 was in the occupation of more than one house; that part of the house you would call it which he now occupies?—I do not know; I have no recollection of it at all.

5220. Do you not know, as you attended the assistant-barrister's court at that

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time, that he appeared there and attempted to register?—I do not know; I have no remembrance about it.

5221. Try; have the goodness to endeavour to recollect whether you do not remember that Hazleton was rejected on the ground of insufficiency of value in the year 1832?—I do not recollect it; it may be the case; it is not impressed on my memory; this book relates to another period.

5222. Do you mean to tell the Committee that you do not remember the fact of Hazleton's having been rejected on the ground of insufficiency of value?—I do not remember it; if I did I would state it to the Committee, of course.

5223. Do you not know it was after 1832, and after he had been rejected, that he took the adjoining house, which was afterwards occupied by Cuddy?—It may be the case; but I have no recollection of it.

5224. Do you not know that fact?—I do not.

5225. Probably you will be enabled to tell the Committee what is the value of that part of the premises which is occupied by Hazleton himself?—The house and premises are subject to 13*l.* a year rent.

5226. That you probably have heard from some body?—I saw the receipts, I think; so allowing 2*l.* 10*s.* for the parts let off it, would leave 10*l.* 10*s.* for the remainder of the premises, including the garden, supposing they were let.

5227. Do you really mean to say that the part which is occupied by Hazleton; the one room with the back part?—And the garden.

5228. That that is worth 10*l.* a year?—I mean to say he pays 13*l.* a year for the whole.

5229. That is no answer; what I ask you is, what, in your judgment, and on your oath, is the value of that part which is occupied by Hazleton?—I think, at the time I saw it, it was worth 10*l.* a year; garden ground is very valuable in the town of Carlow.

5230. What is the value of the garden to let by the year?—The garden, with the house?

5231. The garden alone?—The value of garden ground is almost ideal.

5232. Give us an idea?—I think, situated as that house is, that that garden is worth to that house 5*l.* or 6*l.* a year; to that house.

5233. What is the house worth; I mean the part occupied?—It is the best street of business in the town for an humble class of dealers.

5234. What is the value of that part of the house which is occupied by Hazleton; the one room and the back shed?—It is worth 4*l.* or 5*l.* a year, if it be worth any thing.

5235. Assume it is worth any thing?—It is worth that, in my opinion, and I think it would bring it to-morrow, without a garden.

5236. Now, be kind enough to tell the Committee what is the value of that other part which is occupied by Cuddy, or was occupied by Cuddy?—I should not think it was worth more than half what the other is worth.

5237. Give us figures, will you; what should you say it was worth to let by the year?—It is only assuming.

5238. Do not assume?—The yard belongs to Hazleton; the only remaining part would be parts let to Cuddy.

5239. Do you mean to say there is no yard attached to that part which is occupied by Cuddy?—I think there is a little angle, a little corner.

5240. May that little thing be called a yard; may I venture to call it a yard?—You may.

5241. Taking into consideration that there is that yard, just be good enough to tell me what, in your judgment, is the value to let by the year of the part occupied by Cuddy with whatever advantages it possesses?—I think it would let for the purpose of a little shop, at 3*l.* or 4*l.* a year.

5242. When you get to such small sums as 3*l.*, would it be 3*l.* or 4*l.*?—I think it would let, say for 3*l.* 10*s.* a year.

5243. Is that the outside value?—I would not say but it would bring 4*l.*; I would not give it for it.

5244. Do not compel me to put up Cuddy's house as if it was an auction?—I think you are.

5245. May I knock it down at 4*l.*?—You may do what you like with it.

5246. You would not give more than 3*l.* 10*s.*; it would not do for a distillery; do you consider it is of that value to let by the year of 3*l.* 10*s.* or 4*l.*?—I think the

the value of any thing is the money it will bring; I think it would bring that into the market to any person wanting such a place.

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5247. Now, be good enough, you have given the dimensions of the yard and garden together, tell me what is the extent of the garden of Hazleton's?—The yard and garden are 10½.

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5248. Do not give me the yard and garden?—I have taken it down, "yard and garden 10½ perches long by nine paces wide."

5249. What are the dimensions of the garden?—I do not know the dimensions of the yard to deduct from it; I have taken them both conjointly.

5250. Is yard ground as valuable as garden ground in Carlow?—Yes, rather more so.

5251. Then what is the value of yard ground behind Cuddy's?—I gave the value of the yard before, in my estimate of the value of the house.

5252. Tell me, now, what is the value of the house and yard ground, which I was not aware before was more valuable than garden ground; tell me what you put as the value on the yard behind Cuddy's house?—The yard is a very small one.

5253. Large or small, it must have a value?—It cannot be worth much, it is a very small thing; I value his house, his apartments, and the little yard together.

5254. Surely you contradistinguish the one from the other, little though they are?—Well, I should say 10s. a year would be about the value of the yard; I think it would be worth that for the purpose of keeping manure in.

5255. Give me the dimensions of that yard?—I cannot; I did not measure it; it is only by computation.

5256. Cannot you give any notion of the extent of that yard?—Not the least, except it is a very small one; I do not think it is half the size of this room.

5257. Do you mean to swear that?—I do not think it is.

5258. Do you mean to swear that?—I will not state it positively; I do not believe it; Mr. Thesiger does not wish me to affirm positively what I cannot state; to the best of my recollection, I do not think it is half the size of this room.

5259. Will you venture to state positively, on your oath, it is not?—I will not state positively; but that is the impression on my mind; a very small yard.

5260. Are rents high or low in Carlow?—The rents are high in the town of Carlow.

5261. And I suppose landlords in Carlow understand their own interests pretty much as they do elsewhere?—I dare say they do.

5262. You are a landlord yourself, and you can judge, probably?—Yes.

5263. They are rather high?—Houses let high in the town of Carlow.

5264. You say you valued his premises in 1838 with two other persons; whom were they?—Those particular premises were valued by three of us; there was Mr. Farrel; Mr. Robert Farrel and Mr. Edward Fitzgerald and myself were the only three who valued the house of Hazleton.

5265. Now, you say, you did not observe whether there were any marks of nails on the door; did you look for the purpose of seeing whether there were or not?—I asked, was that the door?

5266. Never mind asking; you ought to know what is said is no evidence?—I did not observe any nails in the door.

5267. Did you look for the purpose of ascertaining whether there had been nails, or whether there were marks of nails?—No; and I do not believe there were any.

5268. You did not look for that purpose?—No, I did not; not for that purpose.

5269. Did you look to see whether there had been any lock on the door?—I did not.

5270. You cannot state whether there was a lock on the door or not?—I cannot; not positively.

5271. Did you look to see whether there had been any bolt upon the door?—No; I did not look particularly; I understand it would not be regular to answer; to give an answer as to conversations that passed with another person in the house, and certainly I would not do it; I did ask a question and received an answer.

5272. Pray, was the door whitewashed on both sides?—I cannot tell that.

5273. Did you not observe the door so as to be able to tell the Committee, on your oath, whether it was whitewashed or not on both sides?—I cannot take on myself at this distance of time to state whether the door was whitewashed or not, not having taken a note of the fact at the time.

192 MINUTES OF EVIDENCE *taken before* SELECT COMMITTEE

Mr. T. Haughton.

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5274. Pray, were you present when Hazleton registered in 1835?—I cannot tell whether I was or was not.

5275. Just try; this is a question that comes on you by surprise?—I have no memory about it; I cannot remember it; in 1835, do you say?

5276. Yes.—When he registered in 1835?

5277. Yes.—I recollect being present at the court when he came up to claim to be registered, and it was appealed afterwards to the judge; I recollect I have a note of that appeal here.

5278. Do you recollect Hazleton saying he had made a door of communication between his house and the adjoining premises occupied by his lodger, Cuddy?—I do not recollect any thing he swore at all.

5279. Do not be in a hurry again; you have a note; will you favour me with your note?—That only relates to the certificate he showed me in his house where he was registered by Judge Torrens; he was registered on an appeal.

5280. By the *Committee*.] He was registered on an appeal?—Yes.

5281. Probably, if you will take that into your hand, that may probably recall to your recollection the circumstances which attended his appearing before the assistant-barrister's court for the purpose of registering [*handing the Witness his book*]?—I have no recollection on the subject of any thing particular that occurred at the time.

5282. We may differ about what is particular; do you remember his coming up to be registered?—Yes, I think I do.

5283. Try again; perhaps you will be certain in the next minute; do you recollect his coming up?—I do not like to speak positively to any thing I am not very certain of.

5284. Do you remember?—I think I was present when he claimed to register, and I told you so before.

5285. Was he objected to on the ground of value; insufficiency of value?—He was; of course he was, or why appeal to the judge of assize to establish his right?

5286. Because there was another question—a legal question; was there an objection also on the lodger point?—That is the impression on my mind; I think there was.

5287. Do you recollect on the question of value; the objection on the point of value; his stating that he had opened a door of communication to the part of the premises occupied by Cuddy?—I do not remember that.

5288. Try once more?—If I did, I would not act so disreputably as not to say; I must have a very tenacious memory to remember all the evidence a man gave who came up to register in 1835.

5289. You, first of all, stated you could not tell whether Hazleton registered in 1835 or not?—I could not positively state.

5290. Now, you remember you were there when he came up, and there was an objection stated to him?—I do not know whether that was in 1835, 1834 or 1833.

5291. Never mind about the exact date; I mean the fact of his coming up; you remember his coming up to be registered?—Yes.

5292. Does not your own note show the date?—No; it does not show any such thing.

5293. Not October 1835?—Not one word about 1835 in this, to my knowledge; this is the valuation taken in 1838, on my coming to give evidence on behalf of Mr. Maule.

5294. Was the note made in the last year?—Yes.

5295. Was this about the barrister refusing to register him made in 1838?—It was; in his house; when he produced to me the parchment certificate, signed by the going judge of assize.

5296. That was not a note made at the time of the registration?—O, not at all; I was not in the habit of taking notes at the registration.

5297. Now, I cannot ascertain at present, to my own satisfaction, whether you were at the registration at the time when Mr. Hazleton came up to be registered?—You cannot ascertain it any better than I have explained it to you; the impression on my mind is, I was there; I was present at the quarter sessions; I was hardly ever absent; it was my duty to be present as a magistrate; I think I was there when Hazleton came up to be registered.

5298. Were you there?—My memory is not so good as to be positive as to time.

5299. You mistake me entirely; I am not giving you a date, or even asking you

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you to assume that as the date; I am asking a fact, whether you were present at the time of the registration?—The impression on my mind is, I was; that is all I can say.

5300. Have you no further impression as to what passed then?—It is also impressed on my memory the man was objected to on two grounds; first, as to the value, and secondly, as to the lodger point; and consequently upon those an appeal was taken.

5301. Having advanced a little in the recollection of this matter, now do you remember, on the discussion of the objection with regard to the sufficiency or insufficiency of the value, his stating he had opened a door of communication with the adjoining part of the premises occupied by Cuddy?—I do not remember it at all; I have no recollection of the particulars of the man's communication at all; I was not so much interested in it as to impress it on my memory, and I have a tolerably good memory.

5302. Do you mean to say you were not interested in the registration of persons who were in your own interest?—I did not say so; I said I was not sufficiently interested to take a note of all the evidence.

5303. Are you not president of the Liberal Club?—I am a member of it; I am not aware I am president of it.

5304. Were you not very actively engaged at the last election?—Yes; I had the honour of proposing Mr. Gisborne, if you call that "actively engaged."

5305. Pray, were you upon the committee?—Was I on the committee?

5306. Yes.—I am not aware of any committee.

5307. Forgive me for repeating that question; do you mean to say you were not on the committee?—I am not aware of any committee at all; there were a number of personal friends of Mr. Gisborne used to meet——

5308. To conduct the election?—Yes.

5309. Were you among those friends?—I was; daily; every day.

5310. And all day long?—Not all day long.

5311. Were you not generally the chairman at those meetings?—No.

5312. You were not?—No, not generally.

5313. Frequently?—I might have been in the chair.

5314. You might have been in the chair, as you are in a chair now; were you not frequently chairman at those meetings?—I do not think there was any regular chairman at all.

5315. You may be as irregular as you please?—Do you mean when we met to dine together; we met often.

5316. I am speaking of the meetings held for conducting the election, and I ask, at those meetings if you frequently acted as chairman?—No, I did not; I am not aware of any chairman having been appointed.

5317. Did you sit in the chair of state at the upper end of the table?—No, I did not; on what particular occasion?

5318. I do not know; I was not there.—You ask me, did I sit in a chair of state at the head of the table; I want to know to what particular occasion you allude?

5319. I am alluding to the meetings which you say were held for the purpose of conducting Mr. Gisborne's election; you say you were present daily; I ask you if you frequently acted as chairman?—My answer is, as I said before; and I repeat it, I am not aware of any chairman being appointed.

5320. Did you sit there as a chairman?—We sat round the table; there was no chairman; the law agent, Mr. French, was there, for one.

5321. Did you sit at one end of the table?—Sometimes at the side, sometimes at the end, and sometimes I sat at the fire, and not at the table at all.

5322. I will have an answer, Mr. Haughton; I wish to know whether you did or did not sit at the upper end of the table frequently?—The upper end of the table?

5323. Yes.—I do not know what table you allude to; I have sat at both ends of the table; which do you call "the upper end" of the table?

5324. Do you mean to say you do not know?—If there was a chairman, no question he would sit at the head of the table; the upper end——

5325. You understand which was the head of the table, which I do not; knowing which was the head of the table, did you not frequently sit at the head of the table?—In committee?

5326. I thought you said there was none?—There was not.

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5327. The meeting of these friends to conduct Mr. Gisborne's election?—I have no recollection of sitting as chairman at all during the whole election.

5328. No, at the head of the table?—I believe the table is square, the one that is in the room.

5329. You have told me that some body sat at the head of the table; you know what is meant by the head of the table; I now ask you, and I am sorry to have occasion to press you so; I ask you, if you have not frequently sat at the head of the table?—I have sat at all sides of the table, and I may have sat at the head as well as any other part; if a square table can be said to have a head; I assure you, Mr. Thesiger—

5330. You are a magistrate of the county of Carlow; you are now on your oath; recollect those two circumstances, and answer my question; have you or have you not, on your oath, frequently sat at the head of that table, at the meeting of Mr. Gisborne's friends, to conduct the election?—I have sat at the table.

5331. Have you not sat at the head of the table?—I have not sat, to my recollection, as chairman; I never knew a chairman appointed in it.

5332. Never mind a chairman, appointed or not; have you not sat at the head of the table?—I believe I have sat at every side of the table, head and sides, therefore, of course, I must have sat at the head.

5333. Have you not frequently sat at the head?—Frequently sat at all sides.

5334. Have you not frequently sat at the head of the table?—I dare say I have.

5335. Have you any doubt of it?—I have no doubt; I sat at every end.

5336. Have you the slightest doubt you have frequently sat at the head of the table?—I have no doubt I frequently sat at the head of the table; but not as a chairman; I did not consider I had a right to exercise any prerogative more than any other person in the room, therefore I had no right to take the head of the table.

5337. Have you not attended at those meetings when resolutions have been put and have been carried, and those resolutions put by yourself?—Previous to the election, yes.

5338. That is what we are talking of?—I misunderstood the counsel altogether; I thought it was during the progress of the election, and during the conducting of Mr. Gisborne's election; perhaps, it is my want of apprehension in taking the question.

5339. I believe it is your too great apprehension?—I understand then your question to apply to during the progress of Mr. Gisborne's election.

5340. I understood you to say that there were meetings of Mr. Gisborne's friends for the purpose of conducting his election, and that you attended at those meetings daily?—I did; but I attended as chairman of the meetings previous to the election, and, I believe, was present when Mr. Gisborne was invited to stand for the borough.

5341. Did you not act almost universally as chairman of those meetings that were held prior to the election?—Yes, I did.

5342. Now, I ask you whether you did not act constantly as the chairman?—No, I do not think I always was chairman; I do not think I was.

5343. Try again?—I do not think I did constantly; I think others were chairmen as well as me on occasions previous to the election.

5344. I am speaking now; I am asking you whether you did not constantly act as chairman at those meetings held before the election?—I say, frequently I did.

5345. Did you not constantly?—Without any intermission; any other person? I think there were others as well as me.

5346. Can you state a single person who was chairman besides yourself?—I think Dr. Tooney was chairman on one occasion, if I recollect.

5347. On one occasion?—Yes.

5348. Were you present?—I think I came in late, and the chair was taken.

5349. Can you mention any other occasion on which there was any other chairman?—I cannot, indeed.

5350. Now, we have exhausted that period prior to the election; now, were there meetings of Mr. Gisborne's friends during the election?—Yes, constantly.

5351. Did you not daily attend those meetings?—Yes.

5352. Was that the time at which the square table without a head was used?—That is the description of table that happened to be in the room.

5353. Was

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5353. Was that the room where you had assembled prior to the election?—No.

5354. A different room?—A different room.

5355. Where was this room?—This room was in Brown-street.

5356. At whose house?—At the club-room.

5357. The Liberal club-room?—The Independent Club is the name of it.

5358. Is that Mr. Fitzgerald's house?—Yes, it is.

5359. Now, I ask you whether at those meetings you did not frequently sit at the head of that table?—I cannot give you any other answer than I have already given you; I believe I did often sit at the head of the table.

5360. I thought the table had no head?—But I do not consider by doing so; I did not conceive I had prerogative over any other person in the room.

5361. I thought the table had no head?—The table is nearly, if not altogether, a square table.

5362. And that is the table you were speaking of?—Yes.

5363. And who sat at the tail?—We sat promiscuously round it, writing.

5364. The law agent that you spoke of, did he attend?—Yes.

5365. Whom do you mean?—Mr. French.

5366. Did he sit at the bottom or the tail?—

Mr. Austin inquired if this was for the purpose of trying this gentleman's credit.

Mr. Thesiger stated that was his object.

—Mr. French sat at the table frequently.

5367. At the tail; at the bottom?—I cannot tell exactly where he sat; the table was near the fire.

5368. Did Mr. Gisborne attend those meetings?—No.

5369. Did a person of the name of O'Mara and Doctor White attend those meetings?—Yes; I frequently saw them in the room.

5370. Perhaps you will tell me who applied to you in February 1838 to value and go over this house?—That was on the occasion of the petition being lodged against Mr. Maule.

5371. Yes; we are aware of that?—I think it was a voluntary act of my own; I had the honour of proposing Mr. Maule, and I felt an interest in his return.

5372. You had an interest in him, and so you volunteered to value Hazleton's premises?—Hazleton's and all the others.

5373. Hazleton's and all the others?—Yes, that are contained in that book.

5374. Because you had an interest in Mr. Baron Maule?—Yes; an interest in the cause which he represented; and which I took an interest in in common with the rest of the community.

5375. Where did you meet the other volunteers?—We met there, at that house.

5376. By arrangement?—O, yes, certainly; I can give you the names of the others if you wish to have them; Captain Brennen was one—let us have no mistake—the three persons who visited the house of Hazleton were your humble servant, Mr. Fitzgerald and Mr. Robert Farrel, but in the rest of the examination the weather was very severe, and they did not always attend; there was a Mr. George Lynch, Captain Brennen and Mr. Moore.

5377. Robert Farrel?—Yes.

5378. Were you present at the meeting that was held on the second day of the election; the evening of the second day?—What meeting do you refer to?

5379. The meeting you have been speaking of.—

Mr. Austin inquired whether by this question Mr. Thesiger was trying to impeach the credit of the witness.

Mr. Thesiger.—Yes.

5380. Were you present at the meeting of the friends who were conducting the election for Mr. Gisborne on the evening of the second day?—I believe I was present at all the meetings.

5381. Were you present at that time when any proposal was made to bring up to the poll persons who had quitted their occupations?—The second day of the election?

5382. Yes.—Yes, I was.

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5383. Did you make the proposal yourself?—I did ; and I will tell you the reason I did it, and the Committee.

5384. Let us have the reason ; did you propose to bring them up ?—I made the remark that they were voting men on the other side ; I made the remark that they were polling votes on the other side, which, in my opinion, were not *bond fide* votes, and I did not see why they should not do the same on Mr. Gisborne's side.

5385. Did you then propose to bring up nine persons, "bucks" (you know the expression), who had quitted their occupations and gone away ?—Did I propose to bring them up ?

5386. Was it proposed at that meeting ?—Something of the sort was proposed ; not by me ; I did not propose to bring up nine of them.

5387. How many did you propose to bring up ?—I did not propose to bring up any ; I did not know who they were.

5388. Did you suggest the propriety of bringing up any you could find in that condition ?—I did ; as a set off against the others on the opposite side.

5389. These were persons who had "set off" before ; were you aware, as a magistrate, that those persons who were brought up to the poll would be sworn, would take an oath ?—Which persons do you allude to ?

5390. Any persons ; persons in the situation who were brought up to poll, that they would have to take an oath ?—I was aware an oath would be tendered to them ; I was not aware they would take it ; that was their own look out, not mine.

5391. Did you not know that if those persons you proposed to bring up to the poll did not take the oath, that they would be of no use to you ?—Yes ; but I understood at the time that counsel were consulted ; the advising counsel of Mr. Gisborne had been consulted, and he gave it as his opinion that a party who had parted with a portion of his premises, and re-entered again, he might take the oath.

5392. Do you mean to say there had been any opinion given by counsel, that when a person entered a day or two, or a night before the election, and went up to poll, that he could take the oath ?—Yes ; that the oath was not so positive, and not so accurately defined ; it states in the oath that "my qualification still continues ;" it does not state that he parted and resumed it again.

5393. Do you mean to say any counsel had given it as his opinion that if a voter who had quitted his occupation came back to the town the night before the election, and re-entered, that he might safely go to the poll and take the oath ?—I do not know whether he gave the opinion, but I understood he gave an opinion tantamount to that.

5394. And did you on that propose that persons of that description should be brought up ?—What I said before I will repeat again ; I heard, and I believed at the time, that the opposite side were polling men of the description you now allude to, and I made the remark, and here avow it, "I did not see why, although it was a bad example ; I do not see why we should lose the election while we had men of that description to poll ;" whether I was right or wrong in doing it, I avow it.

5395. Did you believe it to be right or to be wrong ?—I believed it to be wrong.

5396. You believed it to be wrong ?—I did.

5397. Why did you believe it to be wrong ?—Because I think any thing that is fictitious, or that has the appearance of being fictitious, is wrong.

5398. And yet you made the proposal as a magistrate of the county of Carlow ; made the proposal that this bad example should be followed ?—I made a suggestion ; "I do not see why (the words I used are these), although it is a bad example to copy ; I do not see why we should lose the election if we have similar votes to tender at the poll."

5399. Do you not know, in consequence of that, a proposal was made and carried, that nine persons should be brought up who were in that predicament ?—I do not know how many were proposed to be brought up.

5400. But some were ?—Yes.

5401. How many ?—Several ; I dare say that there were nine ; I cannot be positive as to the number.

5402. And do not you know that those nine persons were brought up ?—I believe most of them were, not all ; I do not know of my own knowledge ; I was not in the

the booth the whole time of the polling; I believe they were most of them brought up. *Mr. T. Haughton.*

5403. Was one among them a man of the name of Morris?—

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Mr. Cockburn objected.

Mr. Thesiger stated, this examination was with reference to the Witness's evidence, and not with a view of affecting Morris.

—I believe Morris was brought up.

5404. Have you the slightest doubt?—I have no doubt.

5405. Was not Morris your own tenant?—He was; and he——

5406. Was he not one of these persons who had quitted occupation?—Not out of my tenant's place.

5407. Was he not one of these persons who had quitted the occupation?—He was one of these that had ceased to live in the house; I do not know that he had quitted occupation or not.

5408. Did he afterwards become a tenant of yours?—I do not know whether it was before or after; he is a tenant of mine, for a store or large warehouse I let to him a year ago.

5409. Was he not one of the persons you had proposed or suggested should be brought up?—I did not suggest him to be brought up by name.

5410. Was he not brought up as one of the persons who were to retaliate on the other party the bad example?—I believe he was.

5411. Were you present at the booth when Morris was brought up?—I do not think I was.

5412. Just try; take care?—No; it was a very crowded court.

5413. Crowded or not crowded; do you swear you were not present when Morris was brought up?—Do you mean near the table in the polling-booth? I think I was standing on the back of the bench, and a great crowd was before me when they all came up together.

5414. Did not Morris come up among them?—I believe he did.

5415. Have you any doubt?—No.

5416. Why did you not say so before?—I did.

5417. Was not that on the third day of the election they came up in that way?—I believe it was.

5418. When you saw Morris coming up among these nine persons?—

Mr. Cockburn.—He has stated he did not see him.

5419. Am I right in saying you have no doubt you saw Morris?—I have very great doubt I did see him; but I have no doubt he tendered himself.

5420. Have you the slightest doubt that Morris came up?—I have not the slightest doubt on earth he came up.

5421. Did you interpose to prevent Morris, when you saw him tender himself, taking the oath?—I did not, because I knew nothing at all of the occupation of the premises; he might have had half a dozen houses in the town, and have occupied them all without my knowing it; I know nothing of Morris, except his being tenant of mine to a store or warehouse.

5422. You know nothing of his having continued the occupation at all?—I did not; and I do not know it now of my own knowledge.

5423. They were brought up as persons who were to follow a bad example which had been set?—Yes.

5424. What was the bad example which had been set, which they were to follow?—The bad example is, if a man quits a place and inhabits another, and gives up possession *bonâ fide*; I think he legally has no right to vote out of it.

5425. Was that the bad example which these were to follow, that persons had been brought up on the other side who had quitted?—It was.

5426. And Morris was one of these?—Morris, I understood, was one of them; I have no doubt he was.

5427. You say, I think, it was February 1838 that you saw this house of Hazleton; the only time, as I understood you?—That is the only time I have any recollection of having seen it; I may have gone before to see it.

5428. Were you not there last Sunday evening?—No, not at Hazleton's last Sunday evening.

5429. Do not be in a great hurry?—I will give you all the places I was at on Sunday evening.

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5430. I am not asking that?—I think you will ask me by-and-by, and I may as well be prepared for it.

5431. I ask you now, will you swear you were not in Hazleton's house last Sunday evening?—I will positively affirm I was not there.

5432. Were you at the house?—No more than passing it in the street.

5433. Did you stop?—No; I was in M'Guinness' house, near it; not in Hazleton's.

5434. Did you not know you were coming here to give evidence as to the value?—I did not as to Hazleton's vote.

Re-examined by Mr. Austin.

5435. Was an oath tendered to Morris; did you see such a thing as an oath tendered to Morris?—I did not see it.

5436. Perhaps you know no oath was tendered to Morris?—I do not know of my own knowledge; I believe there was not; I cannot know what I did not see; the place was very crowded, and I could not see every thing that was passing.

5437. You have been asked with reference to certain persons coming up to poll who had left their occupations, and you have told us the proposal was in consequence of what had taken place the day before at the poll; was that so?—Yes.

5438. At the meeting?—At the poll.

5439. I understood you to say, persons had polled for Mr. Bruen who had lost their qualification?—So I had understood.

5440. Were not the details of that transaction stated to the meeting?—Yes; there was great complaint made; certain persons had been polled on the opposite side who had manifestly quitted the place, and had left the town altogether.

5441. And that they had polled at the election?—Yes.

5442. Was a complaint made that they had polled, and that they had taken the oath at the election?—Yes, it was.

5443. Were some of those persons stated to be tenants of Mr. Fishbourne, the returning officer?—One in particular was.

5444. What is his name?—His name was Jenkinson.

5445. You say that there was some person who was a tenant of Mr. Fishbourne?—Yes.

5446. What was that person's name?—His name was Jenkinson.

5447. What was the complaint with reference to Jenkinson's vote?—

Mr. Thesiger was about to object, when

[The Committee adjourned till To-morrow, at Eleven o'clock.]

Veneris, 17^o die Maii, 1839.

GEORGE GROTE, ESQ., IN THE CHAIR.

Names of the Members called over—all present.

CASE UPON THE VOTE OF JOHN HAZLETON RESUMED.

The *Chairman* stated the Committee were prepared to hear Mr. Thesiger object to the last question proposed by Mr. Austin.

The question was read by the short-hand writer, as put to Mr. Haughton. What was the complaint with reference to Jenkinson's vote?

Mr. Thesiger was heard to object to the question; but upon the understanding that Mr. Austin was to confine his examination to the statements which had reference to the proposal made by the Witness, stated he would not press it.

Mr. Thomas Haughton called in and affirmed; Examined by Mr. Thesiger.

Mr. T. Haughton.

5448. I WAS not aware you had affirmed yesterday; are you a Quaker?—Yes, I am at present; I am of the profession of people called Quakers.

5449. When you say "at present," what do you mean?—I am one of the profession which people call Quakers, and was born so; I am ready to disclose every thing

thing from beginning to end; and, to save the time of the Committee, I will do so; I was about to do so yesterday, when I was ordered out of the room.

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5450. *In nocte concilium*?—I have not spoken to a human being.

Examined by Mr. Austin.

5451. Have you spoken to any body since you were examined here on the subject of your examination?—No human being; but I reflected in my own mind on the events of the election and the test I took there yesterday and renewed this morning; I conceive I am bound to disclose every matter and thing connected with it that is known to my own knowledge.

5452. I was asking you yesterday, with reference to some proceedings that had taken place at the meeting about which you had been asked, when the Committee broke up; and I had just asked you about a person whose name was Jenkinson; do you remember that?—Yes.

5453. At the meeting in question, had Jenkinson's name been mentioned?—

Mr. Thesiger.—Ask what passed.

—I know nothing of the fact of Jenkinson having presented himself to poll, of my own knowledge; nor do I know the man.

5454. I do not ask about the man; I ask whether or not the fact of his having polled was mentioned at the meeting?—Yes, it was.

5455. Was the fact of other persons; was any thing mentioned at the meeting with respect to other persons having polled?—Yes, there were several.

5456. Now, will you state who they were?—I recollect the name of an elector; of a person claiming to be an elector, of the name of Moorhead, being mentioned.

5457. Were other names mentioned?—There were others, but I cannot distinctly remember them now; Adams; there was a person of the name of Adams mentioned.

5458. Were there others?—There were others; but I do not distinctly remember any names but those three, at present.

5459. Those are the three names you distinctly remember; but there were others mentioned?—Yes.

5460. Do you recollect to what number?—I cannot charge my memory.

5461. Were there many others?—I rather think not many others; there may have been six or seven.

5462. By Mr. Thesiger.] In all, or others?—In all.

5463. By the Committee.] Are these what you call "bucks"?—Yes; what might be termed bucks; bucks are fictitious voters.

5464. Now, sir, were these circumstances discussed at the meeting that you speak of?—Yes.

5465. Were there any other circumstances relating to the election discussed there with respect to the voters?—I do not know what counsel is alluding to; every thing connected with the election I have no doubt was discussed at the meeting.

Mr. Thesiger.—It must be confined with reference to this proposal.

5466. A proposal you say was made at the meeting about which you were examined yesterday?—Yes.

5467. The names you have mentioned, were they cases named to the meeting before that proposal was made, or at the time?—There was some statement made at the time; there were statements made of many similarly circumstanced at the liberal side; there were many voters on the liberal side better voters than they were, and that they ought to be polled.

5468. When you say better than they were; better than who were?—One in particular was named; his name was Patrick Barry; it was stated he was on the liberal side; that he had never quitted his house or parted with his possession, and that he ought to be polled.

5469. Were you in the court-house afterwards; after this discussion had taken place?—Yes, I was.

5470. Do you know whether Barry polled?—I do not think he did poll.

5471. Did you see Barry there?—I saw him go in with a group of others; I was at the back part of the bench, where the returning officer sat; there was a

Mr. T. Haughton. great crowd in front of me; I could not see distinctly what was passing on the table below.

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5472. Did you see Barry in the court-house?—Yes, I did.

5473. I ask you, did he poll?—I do not think he did poll.

5474. Did you see Barry come to the poll?—I saw him go into the polling-booth, with others.

Mr. *Thesiger* begged that the question might not be repeated over and over.

5475. Mr. Haughton, I must ask you again to bring your mind back to it; did you see Barry in the court-house?—Yes.

Mr. *Thesiger* stated he objected to the irregularity of the examination.

The *Chairman* stated there was no objection that could be argued by Counsel.

5476. You saw him go into the polling-booth; did you see him poll?—No, I did not.

Mr. *Thesiger* stated the Witness's belief was not evidence.

Mr. *Thesiger* applied to have the answers erased from the notes which had reference to the belief of the Witness as to whether Barry had polled or not.

A *Member* suggested the propriety of confining the examination to the validity of John Hazleton's vote.

Mr. *Austin* stated he would not object to those answers being erased, and would ask no further questions upon the subject.

The *Chairman* desired the answers to be erased.

Examined by the *Committee*.

5477. Have the goodness to inform me at what period you were appointed a magistrate for the county of Carlow?—One thousand eight hundred and thirty-three, I think.

5478. Were you in the habit of meeting your brother magistrates at that period on business, or soon after that period?—Yes.

5479. Have you met them since that period, since the election at Carlow, on business?—O, yes, constantly, at the bench.

5480. It is not very usual, is it, for Quakers to sit on a bench as a magistrate?—There are a great many in the commission in England; a great many in England by a late Act of Parliament.

5481. Pray, Mr. Haughton, are you acquainted with the gardens and land, generally speaking, about the borough of Carlow?—I am intimately acquainted with the land.

5482. Do you know Quinlan's garden, whose case was gone into here some days back?—I cannot take on myself to say without looking at the book. [*The Witness's book was handed to him.*] I have it; I have the book.

5483. Refer to it, and inform me what you think the value of Quinlan's garden was?—House and cabin, one story high, and thatched, two bed-rooms and a kitchen.

5484. I do not ask the value of the house, I ask the value of the garden, separate from the house?—The value of the garden, 2*l.* 10*s.* to 3*l.*, and the value of the house, 3*l.*

5485. What is the size of Quinlan's garden?—It is nine paces broad, and about 13 perches in length.

5486. That is the size of Quinlan's garden?—Yes.

5487. Do you recollect what you stated was the size of Hazleton's garden?—Yes, I do.

5488. Be so good as to state that?—I think they are about of one size; but Hazleton's is further down in the town a good way than Quinlan's.

5489. Mr. Haughton, will you be so good as to give me your reason for stating the difference of value between Quinlan's and Hazleton's garden; you say they are

are about the same size, and you value one at 6*l.*, and the other at 3*l.*?—The yard and garden of Hazleton. Mr. T. Haughton.

5490. I ask for the garden alone; I have not asked a question relative to the yard, but the garden alone?—But in giving my evidence yesterday, recollect, I said the yard and garden. 17 May 1839.

5491. As you are a valuer of ground, I should think you could form a good idea of what the value of the garden was, without that yard?—I should think it is worth about 4*l.* a year, without the yard.

5492. Then, the yard must be worth 2*l.* a year, if that is the case?—I should explain what constitutes the value of a yard in the centre of the town; it is for the purpose of heaping up manure that they collect off the streets, which is of great value to them.

5493. The yard you state to be of the value of 2*l.*, the garden at 4*l.*; is that so?—I should think so; that would be my estimate of it.

5494. May I ask you what the reason is you say Hazleton's garden is more valuable than Quinlan's?—It is in a better situation; lower down in the town, although in the same street; not a great deal of difference between them.

5495. Now, will you be so good as to tell me, to give me some information respecting that door-way which you say was blocked up in February 1838?—Do you mean the door between Hazleton's?

5496. The door-way between Hazleton's; I suppose you are going up and down that street pretty often?—Not very often; it is not at my end of the town; but the door in question is inside, and without going into the house I could not get a view of it.

5497. Could you not see the door of communication between the two houses without going into the house?—I do not think I could.

5498. You could not?—I do not think I could.

5499. How far from the street-door is the door of communication between the two houses?—About midway, as well as I recollect.

5500. What is the length of the room?—I do not exactly know, it is a year and a half since I went there; I did not take the dimensions of the room; it is an ordinary sized room.

5501. What may be the length of that room; you having minutely inspected those premises to value them, you cannot be ignorant of the length of the room?—I have not taken a note of the length of the room.

5502. Have you inspected the premises?—Yes; about a year and a half ago.

5503. Do you know the breadth of the room?—It is an ordinary sized room of a poor house.

5504. Do you know the breadth of the room?—It may be 14 feet by 16, by computation only, without measurement.

5505. You speak now of Hazleton's room?—Yes.

5506. Did you see the door of communication when you inspected those premises open between the two houses?—If I am at liberty to read the note I took at the time.—

The *Chairman* desired the Witness to read the note to himself, and refresh his memory.

—It does not state whether the room was open or not; whether the door was open or not.

5507. Have you ever seen it open since that time?—Never, to my knowledge; I could not have seen it, because I never was in the house since.

5508. Have you ever been in the house since?—No.

5509. Did you go for the purpose of inspecting that door solely with the intention of giving evidence at a future time respecting there being a door of communication?—No; I asked the man was there free communication; he told me there was; that the door was in common between them; I would have read that before, but I was prevented by counsel from reading the note I had taken.

5510. You inspected Hazleton's premises pretty accurately at the time?—Yes.

5511. Did you view them all round, and carefully view them?—There were two others with me at the time.

5512. I ask if you did?—Yes, we did; went all through them.

5513. Viewed them all carefully?—Yes; took a long note.

5514. Did you view the door carefully?—Yes; I looked at the door, and asked questions relative to the door.

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5515. Did you view the door carefully?—Yes, I did.
 5516. Very carefully?—I do not think I handled it or examined it carefully.
 5517. How near did you go to the door?—I went closer than I am to that fire-place.
 5518. How near to the door?—Within two or three feet of it.
 5519. Can you see pretty clearly?—Yes; I have tolerable good sight.
 5520. If you were as near as two or three feet from that door, could you not see whether that door was nailed up or not?—If I had the least suspicion of its being nailed I would have looked at it.
 5521. Could you or not have seen that door was nailed or not; you state you were within two or three feet of that door?—If I happened to see nails, I should; if I had the least suspicion of seeing nails.
 5522. I ask the fact, whether you did see it or not?—I did not, indeed.
 5523. Did you see a bolt upon the door?—If there was a bolt upon it, it must have been on the other side, because I was on Hazleton's side.
 5524. On which side?—On Cuddy's side.
 5525. Then you state explicitly, the bolt was on Cuddy's side of the door?—I say if there was a bolt on it, it must have been on that side; I did not see any bolt on Hazleton's side.
 5526. Did you see a bolt on Hazleton's side?—No.
 5527. Would you state there was no bolt on the door?—I would not say that; I have no recollection of seeing one; I cannot be positive to any thing I did not put down at the time.
 5528. I ask you positively whether you did see a bolt or not?—I cannot answer positively.
 5529. Did you see a bolt or not?—I do not think I did.
 5530. You state positively you did not see any, although you were within three or four feet of the door; you did not see nails?—I did not.
 5531. I think you stated you were chairman of Mr. Gisborne's election committee?—No; I stated I was in the chair on two occasions at two meetings previous to the election, once in the chair, and Dr. Tooney was in the chair on another occasion.
 5532. There were meetings of Mr. Gisborne's; was it a committee or was it not?—

Mr. Austin suggested that Mr. Thesiger stated when he put those questions, he put them for the purpose of trying the Witness's credit; this could not be put for that object, and he suggested to the honourable Member whether he would persist in putting it.

The *Chairman* stated it seemed to be acknowledged on all hands, a Member of the Committee might recall a witness to put any question he pleased; but if Mr. Austin desired the Committee should express an opinion as to the propriety of the examination which the honourable Member of the Committee was pursuing, the Committee would decide that point.

Mr. Austin stated, he should not ask the Committee for a decision on such a subject; the course for Counsel to adopt was to suggest merely to the Committee, it was not according to the laws of evidence, and then the Committee might act as they thought proper.

5533. There was a meeting of Mr. Gisborne's; was it a committee or was it not?—There were two meetings immediately on Mr. Maule's announcing his resignation.—

Mr. Thesiger.—The Witness has some writing which he is referring to; probably the honourable Chairman would have the kindness to ask him when he made the notes.

—I made them last night; I was about to observe to the honourable Committee; I was about to mention the different meetings I attended yesterday; I was ordered out of the room. If the honourable Chairman will allow me to do it now, I will disclose every thing with which I was connected during the whole election.

5534. Where did you take those notes from?—From recollection.

5535. I thought you said your memory was so bad you could not recollect without

without notes?—This is a memorandum of the different meetings; I was called away at almost a moment's notice.

5536. There was a meeting of Mr. Gisborne's; was it a committee or was it not?—I am not aware, in the first instance, of any meeting of Mr. Gisborne's; Mr. Maule announced his resignation.

5537. I am asking that simple question; was it a meeting of Mr. Gisborne's committee, or was it not?—It could not be said to be a meeting of Mr. Gisborne's, because Mr. Gisborne had not at that time been invited; the meeting at which I was chairman—

5538. I mean a meeting of Mr. Gisborne's friends after he was announced?—I am not aware of any committee of Mr. Gisborne's.

5539. Just prior to the commencement of the election?—Dr. Tooney was in the chair on the second occasion, and I moved a resolution inviting Mr. Gisborne over.

5540. Was it a meeting of Mr. Gisborne's as a committee, or not?—It might be said to be a meeting of Mr. Gisborne's friends.

5541. Give a straightforward answer?—I was in the chair on the first meeting.

5542. I am asking as to a meeting of Mr. Gisborne's committee; it is well known, candidates on all occasions have committees?—I am not aware of any committee whatever during the whole election, except the committee of the whole body of freeholders, which is held at the Royal Arms, and of which Mr. Ferdinand Vigors was chairman.

5543. Do you state you had no committee?—No committee; I am aware of none whatever; Mr. Ferdinand Vigors was chairman of that meeting; it met every evening to report progress.

5544. Who were the persons who composed that meeting?—It was an open meeting to all the freeholders and their friends, and many came in who were not on our side at all, that belonged to the Conservative party.

5545. Was there a treasurer appointed?—No treasurer; not that I am aware of.

5546. No treasurer and no chairman?—No chairman, except young Mr. Vigors; he was chairman of that meeting; the open meeting.

5547. There was a chairman?—Mr. Vigors took the chair every evening at the Royal Arms in the large rooms; this place was open to all the freeholders to come into, and numbers were appointed to go through the town, and they reported progress every evening of the canvass.

5548. Who called that meeting together, or who formed it?—At the previous meeting—

5549. I am asking of that meeting?—It was appointed at the previous meeting.

5550. Who appointed them?—By a resolution of that meeting of which Dr. Tooney was chairman.

5551. That is what you say was not a committee, but only a meeting; I will not quarrel about the name of the thing; it was either a committee or meeting; did any of the members of that meeting pay any bills?—I know nothing of paying any bills; all I know is, on the second meeting, on the occasion previous to Mr. Gisborne coming over, that there were some auditors appointed, of whom I was one; about five or six were appointed; Captain Brennen, Dr. Tooney, Dr. White, Mr. Moldowney and Daniel O'Mara; they were appointed auditors to investigate and settle accounts.

5552. Were you one of the auditors?—I was; some accounts not relating to this election, but debts due in the town for the former county election.

5553. The whole conversation you and I have had has been in relation to this election?—I wish the honourable Member to be acquainted with all the committees I was connected with.

5554. I am asking you every thing relating to this election; do not wander from the point; you were auditor of that meeting?—Yes; I was one of the auditors to investigate those accounts, to see whether they were fairly due and owing.

5555. Were those the accounts of Mr. Gisborne's election?—O, not one of them.

5556. Do you know any thing about the names of the treasurer, or the management of the affairs of the committee, or of those meetings?—I know nothing of any money transactions at all; I believe Mr. Gisborne was his own treasurer.

5557. Do you recollect the names of the persons who were present when you determined to bring up those voters that you have just now alluded to; the "bucks"

Mr. T. Haughton. I think you call them?—I think Mr. Fitzgerald was present; I think Mr. Fitzgerald and Mr. French were present.

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5558. Was any body else present?—I dare say there were more.

5559. Was any magistrate present except yourself on that occasion?—No, I think not; I think Dr. White was.

5560. Is Dr. White a magistrate?—Yes.

5561. Did Dr. White approve of getting people to vote whom you knew were disqualified by reason of their not continuing in their premises?—I did not know they were disqualified, of my own knowledge.

5562. I thought you stated you did?—Not of my own knowledge, I did not know; I only heard it.

5563. Can you state the names of any persons who were present at that meeting, when it was determined to bring up those bucks?—Dr. White, I think, was present.

5564. And who else?—And Mr. Fitzgerald.

5565. Any body else?—And Mr. French.

5566. Who else?—I do not immediately remember any one else; there may have been many others.

5567–8. To bring you back to this tenement of Hazleton's; I see in your memorandum-book, "the two rooms on the left-hand side let to a weekly tenant at 2s. 4d. a week, but has free communication between them;" that alludes to Cuddy's part of the house, does it?—Yes; I was not allowed to read that; I would have read it, but Mr. Thesiger stopped me; the information I had from Hazleton himself.

5569. From Hazleton himself?—Yes.

5570. When you were in the house you had ocular proof; you saw the door and you saw the communication?—I saw the door, I would not take on myself to say I saw it open; I asked Hazleton was there free communication, and he said there was.

5571. If the door had been nailed up, would it have been visible to you?—Yes.

5572. If the door had been nailed up so as to be visible to a man passing outside in the street, do not you think it would have been visible to you?—O, I think it would.

5573. I understand you to state these words, "but has free communication into them," represents something which you heard from Hazleton, and not any thing which you observed yourself?—That is my recollection of it.

5574. You mention that in February 1838, you went over Hazleton's premises in company with Mr. French and Mr. Fitzgerald?—No, not Mr. French; I think Mr. Farrel.

5575. And you said you did so voluntarily; I understood you to say so?—Yes.

5576. Did Mr. Farrel or Mr. Fitzgerald propose to you to go, or did you propose to them to go?—There was a number of us agreed to go; I believe six or eight of us.

5577. You do not know who originated the idea?—We were preparing for a defence of Mr. Maule.

5578. Do you know who originated it; did it originate with yourself?—I think not.

5579. When you went to Hazleton's premises, was Hazleton previously warned you were going there?—Not to my knowledge; we went regularly through the town from house to house.

5580. You did not warn Hazleton previously, you were going there?—I do not think we did.

5581. You stated when you were at Hazleton's house, the communication between his house and Cuddy's was open?—I did not state that, with great respect.

5582. Was the door open when you were there?—The impression on my mind is, it was not.

5583. The impression on your mind is, it was shut?—That it was shut all the time; and that that note I made there was in consequence of an interrogatory I put to Hazleton myself; Hazleton told me there was free communication in and out.

5584. You

5584. You stated in the early part of your evidence that Hazleton's premises let for 13*l.* a year?—Yes; that is the rent he pays. Mr. T. Haughton.

5585. And you stated Hazleton's house was worth 10*l.* 10*s.* a year?—Hazleton's house and garden. 17 May 1839.

5586. And that then there remained for Cuddy's premises 2*l.* 10*s.* a year?—O, no; I think the whole is worth more than 13*l.* a year; something more; I reckoned Cuddy's place with the yard to be worth 3*l.* 10*s.*, I think.

5587. And you reckon Hazleton's to be worth 10*l.* 10*s.*?—Yes; that would make 14*l.* in all; that would be about the value; I may have over estimated it.

5588. You stated something about the tenant of the other house being a weekly tenant?—Yes, at 2*s.* 4*d.* a week; that is what Hazleton told me he paid.

5589. Did he say Keefe paid that, or Cuddy paid that?—The tenant; I do not recollect the name; I think he said it was his son-in-law paid 2*s.* 4*d.* a week.

5590. You have several notes in your book; were they all written at the time you visited that house, or any of them since?—I generally took them down at the time on a rough piece of paper, and copied it out within half an hour or an hour; it was very severe snowy weather; we did it at home when we got to the fire-side.

5591. Do you think, Mr. Haughton; which would you consider was the highest value, Quinlan's house and garden, or this man's house and garden?—I think this man's house and garden is of a great deal more value than Quinlan's; it is a very bad house.

5592. Is the house better?—There are two slate additions to the back of Hazleton's house.

5593. Do you know Quinlan's house?—Yes; if I am allowed to refer to my note-book I can give a statement of what it is; house and cabin, one story high, and thatched.

5594. How many rooms were there in Quinlan's house?—Two bad rooms and a kitchen; the whole is in very miserable repair; that is the note I took at the time.

5595. What are there in this house?—One story high, thatched; two additions in the rear, slated; a yard and a garden.

5596. What rooms are there in this house?—I have not taken a note of the number of rooms; I see there are two rooms on the left-hand side, let at 2*s.* 4*d.* a week; and I believe there are two more besides, very large apartments, going in on Hazleton's side.

[The Witness withdrew.

John Lennon called in and sworn; Examined by Mr. *Austin*.

5597. DO you know a man of the name of Hazleton, in Carlow?—Yes. John Lennon.

5598. Does he live in Tullow-street?—Yes.

5599. What is he?—He is a barber.

5600. Have you ever been shaved by him?—I was.

5601. More than once?—More than 20 times.

5602. How long have you known him?—I knew him these eight or nine years.

5603. Have you employed him; have you been shaved by him during that period?—Oftentimes.

5604. Do you know a man of the name of Cuddy?—Yes; I knowed him by eyesight.

5605. Have you seen Cuddy when you have been in Hazleton's house?—Yes.

5606. Do you know whether Cuddy was a relation of Hazleton's or not?—He was a son-in-law, I understood.

5607. Did Cuddy live in the house; do you know whether Cuddy lived in the house?—I know Cuddy lived in the shop part of Hazleton's house.

5608. Have you seen him in that shop?—I did.

5609. When you have been there to be shaved, were you shaved in Hazleton's part?—Yes.

5610. Can you tell the Committee whether there was any communication between Hazleton's part and the shop part?—Sure, there was the door, passing and repassing.

5611. Have you ever been through that door yourself?—Why, then, I have not; but I saw it open.

5612. When did you see it open?—I saw it open, I dare say, a couple of months ago; I was in it.

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5613. Where were you then?—In Hazleton's house.

5614. What were you there about?—I was getting myself shaved.

5615. Did you see it open on any former occasions?—I never took notice of its being open on former occasions, only that I was in the house at different times, and I saw it open two or three times.

5616. Within what time is that; how long ago?—The last time is about a couple of months.

5617. That is the last time, is it?—Yes.

5618. Can you tell the Committee at all how long ago the former times were?—I saw it open half a year or a year ago.

5619. What sort of door is it, do you know; did you ever take any notice of it?—It is what we call a common ledge door, that is, a door made with upright boards, and cross bars on the back of it.

5620. Cross bars on one side, I suppose?—Yes.

5621. Were there any women in the family?—There is Hazleton's wife and Cuddy's wife is the only two women I saw; I often saw strange women in it; women who would come in to lodge, and the like of that.

5622. You have seen two women there?—I did see them there.

5623. Have you seen them come through the door?—I seen Hazleton's wife going in and out into that room, into that shop part of it.

5624. Into Cuddy's part, do you mean?—Yes.

5625. Through that door?—Yes, through that door.

5626. How long was that ago when you saw Mrs. Hazleton pass through?—I dare say it is something about—it was some time about Christmas.

5627. Upon what occasion were you there?—I was getting myself shaved.

5628. You were also getting yourself shaved?—I was.

Cross-examined by Mr. *Thesiger*.

5629. How often will you venture to say you have seen Mrs. Hazleton going through that door?—I would venture to say I have seen her going two or three different times through it.

5630. You have only seen the door open two or three times?—I have seen her going out.

5631. Whenever you saw the door open you saw her going?—I saw the door lying open, no one going in and out.

5632. You have told my learned friend you had seen the door, "I never took notice of its being open, except two or three times"?—I was in it several times, and I did not mind the door being open and shut; I saw Mrs. Hazleton two or three different times, going backwards and forwards through it.

5633. She could not go through the keyhole; the door must have been opened to permit her going through, backwards and forwards?—She opened it herself.

5634. You have stated, is this true or not, "I never took notice of its being open, except two or three times;" is that true?—Two or three times I saw her going through it, backwards and forwards.

5635. Is it true you have only seen it open two or three times?—I have seen it open; O, oftener than that; I saw her going through it several times.

5636. What did you mean by saying you had never taken notice of its being open, except two or three times?—I saw her going through it two or three times.

5637. What did you mean by saying you never took notice of its being open, except two or three times; what did you mean by that?—I saw her going through it.

5638. Is it true or false?—It is true; I saw her going through it.

5639. Is it true or false you never took notice of its being open, except two or three times; is that true or false?—I saw it open, but I saw no one going through it.

5640. Upon your oath, is it true or false you never took notice of its being open, except two or three times; I will have an answer to that question?—I will give you a fair answer to it; I saw women passing backwards and forwards two or three different times, and I saw the door open.

5641. At those times?—At them times.

5642. On your oath, did you ever see it open at any other time than when they were passing through it?—Upon my oath, I think I did.

5643. Now, try again; will you swear you ever did?—I think I did.

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5644. Will you swear you did?—I think I did, and I think I can say it; but I think, really, I know it was open for two or three different times, and them passing backwards and forwards.

5645. That is all I can get; just tell me when was the earliest time you saw this door open?—The earliest time?

5646. Yes.—The earliest time, I think, was about a year ago, or a year and a half ago.

5647. Was that about the month of February 1838?—Indeed, I cannot say what month it was in.

5648. Was it about that time?—I cannot say what month it was in; I was often in the habit of going in to get shaved.

5649. Answer the question plainly and shortly?—I cannot say what month it was in.

5650. Do you believe it about that time?—I believe it to be something about a year or a year and a half, or between the one and the other.

5651. That was the first time; when did you see it afterwards?—I saw it some time about Christmas last.

5652. You were constantly going there to be shaved before that time, very frequently?—I went very frequently; may be once a week, or once in a fortnight, or once in three weeks, or once in a month.

5653. Before a year or a year and a half ago, or between those times?—Yes.

5654. Was not the door closed up before that period?—Before the year and a half ago?

5655. Yes.—Why, I do not think it was.

5656. Will you swear it was not?—I will not swear any thing about it; I think it was not.

5657. Will you venture to swear it was not?—I know that door is in it more than a year and a half.

5658. I ask you whether you will venture to swear, before that time which you have fixed as the earliest time at which you saw the door open, you do not know the door was closed; now take care?—I do not know that the door was closed; and I am sure I know the door was closed before a year and a half ago; that is since a year and a half ago.

5659. I am speaking of before; on your oath, before a year and a half ago was not that door closed?—Upon my oath, before a year and a half ago I really think it was a door before that.

5660. But a closed door; there is a door there, but that door is shut; a closed door before that time; now take care; upon your oath, will you venture to swear the door was not closed before a year and a half ago?—What do you mean by closed; was it closed up entirely?

5661. Never mind what I mean by closed; did you ever see it open before?—Before a year and a half ago?

5662. Yes.—I did.

5663. Then, upon your oath, what do you mean by saying the earliest time you saw it open was a year or a year and a half ago, or between those periods?—I saw it open before a year and a half ago.

5664. It is not true the earliest time you saw it was a year or a year and a half and between those periods?—I think, judging, it is more than a year and a half ago.

5665. How much more?—I cannot say exactly how much more than it was or is.

5666. Was it two years?—I will not say.

5667. Take the first time; we will give you a liberal latitude; take that first time; did you before two years ago see that door opened?—I do not know that I did.

5668. Upon your oath, is it not so that you never did?—Upon my oath, I do not know I did.

5669. Pray, were you present at the registration in 1832, when Hazleton came up to be registered?—I believe I was.

5670. Have you the slightest doubt about it?—I might be in it one of the days; I was in it several of the days.

5671. I am speaking of the time when Hazleton came up to be registered; were you not present in 1832, when Hazleton came up to be registered?—I was, I suppose; I think I was.

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5672. Now, at that time—attend—at that time was not Hazleton merely in the occupation of that part of the premises which he now occupies?—Which he now at present occupies?

5673. Yes.—He was.

5674. Was he not rejected on the ground of want of value at that time?—He was rejected because he had not the additional room.

5675. When after that did he take the additional room; that is, Cuddy's place?—I cannot tell you when after that he took it.

5676. How soon; I do not expect you to speak to a week or a month?—I cannot tell.

5677. Was it in the following year, or 1834?—I cannot tell you, indeed; I was not at that registration.

5678. Were you at the registration in October 1835?—I believe not.

5679. You believe not?—In 1835 I believe I was in Longford.

5680. You know these premises well?—I do; I know them pretty well.

5681. Are there not separate outer doors to each?—There is two doors to the front; one shop-door, and the other a hall-door like.

5682. Is there not a door that leads into the part which is occupied by Cuddy, and a door which leads into the part which is occupied by Hazleton?—It is not occupied by Cuddy now.

5683. You know the place that I mean?—Well, I do.

5684. I am speaking of the part that was occupied by Cuddy; occupied now by Keefe; is not there an outer door that leads into that part, and an outer door that leads into the part which is occupied by Hazleton?—There is.

5685. Do you recollect Cuddy occupying?—I do, and seeing his name over the door.

5686. Was there a shop-front, as it is called?—There was a shop-window.

5687. He was a tailor?—He was.

5688. I suppose he sat on a board near the window?—Yes.

5689. It was a large shop-window, as you see sometimes in tailors' shops?—I believe it to be about three feet square; you may make what you like of that.

5690. There is no window there now, I believe; now Keefe has got it, he puts his nails all outside an open sort of ledge or trough?—Keefe, I believe, took out the window for the purpose of putting a shelf or a board like, to put his nails on.

5691. A sort of ledge, with the nails and old iron and things exhibited?—Yes.

5692. You know these premises well, I suppose, Lennon?—I know them pretty well.

5693. You know the garden which is attached to Hazleton's?—Yes.

5694. Is it a very nice garden?—Indeed, it is; it is a nice, good, clear piece of ground, that it is.

5695. Is it a little sandy?—Most all the gardens about Carlow are a little sandy in the bottom.

5696. Some of them get to the bottom at top, do they not; do you know that sand is taken from this garden of Hazleton's?—Indeed, I do not know that there was, except what they would take for their own use; I do not think there is, only what he took for his own use.

5697. What is the size of Hazleton's garden?—I dare say it is about 33 or 34 feet wide.

5698. And how long?—I do not exactly know the length of it.

5699. About how long; you are accustomed to these things; sometimes value?—I will tell you what I think; I had no idea or notion of thinking of Hazleton or his house in coming here.

5700. Tell me what you would consider to be the length of the garden?—I do not know what is the length of the garden.

5701. A good, nice, clean piece of ground?—Yes.

5702. What do you think the value of that garden would be to let by the year?—Why, I cannot lay any value as to that part of it, because I do not exactly say I know the length of the garden.

5703. You know generally what the garden is; I do not expect a very minute value; what should you think would be a fair rent by the year for that clean piece of ground?—I know a man; a man for convenience of being around there, would give a great deal more for it for convenience.

5704. Taking

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5704. Taking all that into your consideration, tell me what you think would be a fair rent for that piece of ground?—Why, I suppose about 5*l*.

5705. Is that garden of Hazleton's less or larger than Quinlan's garden?—Why, I cannot say which it is, either, but I think they are pretty near of one size.

5706. If you were called on to say which you thought was the larger of the two, which should you fix upon?—On my word, I do not know.

5707. You would have a difficulty?—I would not say which.

5708. What do you consider the value of Quinlan's garden?—Quinlan's garden, there is more of it used in yard there and back houses than what there is of the other man's garden.

5709. Is the yard ground or garden ground the most valuable in Carlow?—Yard ground.

5710. There being more yard ground than garden ground in Quinlan's, it would be more valuable so far?—Well, you know the yard and the back houses; Quinlan has not them in his possession, nor a part of his garden.

5711. I am not speaking of Quinlan's garden; having told me all these things, just inform me, if you please, what you consider the value of Quinlan's garden, to let by the year?—I would not consider Quinlan's garden to be worth any thing more than 3*l*., or 3*l*. 10*s*.

5712. Is this house of Hazleton's; the part that is occupied by Hazleton, is that a better or worse house than Quinlan's?—It is three times as good as Quinlan's.

5713. Now, just tell me what is the height from the ground to the eaves?—To the eaves of the house?

5714. Yes.—On the inside from the floor or the outside?

5715. Take from the outside first?—From the ground to the outside of the eave of the house is not much more than about six feet.

5716. Is there a difference; you have been asked about Quinlan's house; is there a difference in the situation between Hazleton's and Quinlan's?—The difference in the situation?

5717. Is the situation of one better than the situation of the other?—You axed me first, was the house better; I told you it was.

5718. I am now asking you another question?—And I will answer that too; the situation is a better situation.

5719. Whose?—The barber's.

5720. Are there more than 12 small houses between Hazleton's and Quinlan's?—I did not reckon how many.

5721. A few; are there more than a dozen houses?—If you will give me liberty to count them, I will count them.

5722. Pray count, if you desire it?—I will go as near I can; I believe you have made a good offer at it.

5723. There are no more than 12 houses between Quinlan's and this?—Twelve or 13; we will not have no difference for a house or two.

5724. What should you consider the value of Hazleton's part to let by the year?—Hazleton's house?

5725. The part occupied by Hazleton?—The part occupied by Hazleton?

5726. Yes.—Does not he occupy the whole of it?

5727. No, he does not occupy the whole, because Cuddy occupied for some time, and now Keefe; I am speaking of the part occupied by Hazleton?—Now, I will say then, if I say Hazleton has but one-half of the house, will you be satisfied with that?

5728. That I am satisfied with?—I will tell you that Hazleton has four times as much of the house as the other man.

5729. Never mind whether he has four times or a dozen times as much; I ask you, on your oath, what you consider the value of that part occupied by Hazleton?—Upon my word——

5730. Oath! oath!—Well! stay! I know that Hazleton would make 7*s*. 6*d*. a week of his house.

5731. I am asking a question, what is the house worth to let by the year?—If he set it, I mean.

5732. What do you say it is worth to let by the year; now tell us?—I think it is worth 5*l*. 10*s*. from that to 6*l*. a year to a fair honest tenant.

5733. Without any garden at all?—Why, you did not tell me about the garden; I am speaking of the house alone.

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5734. Five pounds ten shillings to six pounds a year, house alone?—Yes.
5735. Without any yard or any thing?—The yard goes with the house, the garden goes by itself.
5736. Then 5 *l.* 10 *s.* to 6 *l.* for the house and yard?—Yes.
5737. How much of that is yard?—It was a very small yard to it; there is a back house in it that takes up a great piece of the breadth of the yard.
5738. How many perches, should you say?—I never measured the yard by perches.
5739. How many yards or feet?—I cannot say any thing about it; I never went to the trouble with it.
5740. In valuing this part, which is occupied by Hazleton, at 5 *l.* 10 *s.* to 6 *l.* with the yard, do you include the two back houses or only one?—I have only included one.
5741. What should you say was the value to let by the year of the other part which is occupied by Keefe, formerly by Cuddy?—What is occupied by Keefe?
5742. Yes.—I am certain it is worth 3 *l.*
5743. Is that with the yard?—With what little yard he has.
5744. What yard has he?—I do not exactly know; I know he has a little small yard; I never went to look at it.
5745. Do you know M'Quaid's house?—I do.
5746. His house is next door to Cuddy's; the one that Cuddy had, you think?—I think it is; yes, I do think; I am of opinion it is.
5747. Have you any doubt in that opinion?—No, I have no doubt.
5748. It is a certain opinion, is it?—Yes.
5749. Is that a two-story house?—M'Quaid's?
5750. Yes.—It is.
5751. Is it slated?—It is.
5752. Is it a better or worse house than Hazleton's?—It is a better house.
5753. Has M'Quaid any garden?—He has.
5754. Is his garden as large as Hazleton's?—No.
5755. Not as large?—No.
5756. What difference in size is there?—

Mr. *Thesiger* objected to the answer, and applied to have the answer struck out as not being an answer to his question.

The *Chairman* stated, the Committee were of opinion it should be struck out.

5757. Answer me, if you can, how much larger Hazleton's garden is than M'Quaid's?—It is something better nor twice as big.

5758. Tell me this; what, in your judgment, is the value of Quinlan's house; the part that Quinlan retained without the garden?—I think it would be very well set at 3 *l.* a year.

5759. Now, you have stated that Quinlan's garden is worth from 3 *l.* to 3 *l.* 10 *s.*?—I did.

5760. Is that true, now?—I think it is.

5761. Now, just remember you were examined some time ago before this Committee as to the value of Quinlan's holding; did you not state that what he held of the house and the garden was not worth more than 5 *l.* 10 *s.*?—I think I did not state such a thing as that at all; I believe I said 6 *l.* or 6 *l.* 10 *s.*, for the whole.

5762. Attend to this?—[*The learned Counsel referred to the minutes which he had in his hand.*]

Mr. *Cockburn*.—Do you mean to use that to contradict him?

Mr. *Thesiger*.—No.

[*The Witness was ordered to withdraw.*]

Mr. *Austin* was heard to object to the course of examination. A witness cannot be asked, for the purpose of contradiction, questions collateral to the issue before the Committee for the purpose of contradicting him. The Witness must be contradicted, if at all, on some question relative to the matter in issue.

The *Chairman* inquired if the questions as to Quinlan were not relative to this case?

Mr. *Austin*

Mr. *Austin* submitted they were not. The rule is laid down by Rogers in his book:—"It is not competent for Counsel on cross-examination to question a witness as to a fact wholly irrelevant to the matter in issue for the purpose of discrediting him if he answers in the negative, by calling other witnesses to disprove what he has said."

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Mr. *Thesiger* submitted he had a right to put the questions. The common practice is to try a man's judgment by inquiring as to evidence he may have given on former occasions. A question may be put to a witness for the purpose of trying his credit; a witness is at liberty to answer or to decline to answer such question, but if he answers and answers falsely, being collateral to the inquiry, witnesses cannot be called to contradict him.

The question here is, whether this question was put to the Witness for the purpose of trying the competency of his judgment. It may be another question whether hereafter witnesses may be called to contradict the Witness.

Mr. *Austin* was heard to reply. The question was put on this ground, that there was a right to ask this Witness, who is called, as to Hazleton's house, a question relative to his opinion of the value of Quinlan's house.

Mr. *Thesiger* stated, that was one object.

Mr. *Austin* inquired whether Mr. *Thesiger* proposed to put the minutes of the Committee in evidence.

Mr. *Thesiger* stated, he apprehended they were in evidence.

Mr. *Austin* submitted Mr. *Thesiger* had no right to read the minutes of the Committee as evidence against statements by the Witness, as an irrelevant subject.

The room was cleared.

The Committee deliberated.

Counsel and Agents were called in, and informed by the *Chairman* as follows:—"The Committee have come to the resolution, that the question proposed by Mr. *Thesiger* may be put; in stating that it is the impression of the Committee, although no sufficient ground be made out for forbidding this question to be put, yet the examination of this Witness does seem to be extending over a very wide field, and is not strictly applicable to the matter in hand."

John Lennon again called; Examination resumed by Mr. *Thesiger*.

John Lennon.

5763. DID you not swear before this Committee the other day that Quinlan's, the premises occupied by Quinlan at the present time were worth 5*l.* 10*s.*?—I think I said something more nor that.

5764. Did you not state distinctly that what he held of the house and the garden was not worth more than 5*l.* 10*s.*?—I think I said something more nor 5*l.* 10*s.*

5765. If you said they were worth only 5*l.* 10*s.*, was that false?—Indeed, it was not a great way out of the way.

5766. Was it false or true?—It was not a great deal out of the way.

5767. Falsehood may be a little out of the way; truth is only one; was it a little false?—It is not worth a great deal more than 5*l.* 10*s.*

5768. Was it true or false, if you said it was not worth more than 5*l.* 10*s.*; was that true or false?—I said, I think it was not worth a great deal more nor 5*l.* 10*s.*

5769. You have now made it 6*l.* 10*s.*; now, upon your oath, is it worth 6*l.* 10*s.* or 5*l.* 10*s.*?—Why, it would be too much for the whole concern, 6*l.* 10*s.* a year.

5770. Then why did you say 6*l.* 10*s.*?—I will tell you how I happened to say it, in consequence of your asking for the garden separately and then bringing the value to the garden, and then the remainder to the house; there is the way it happened.

5771. That is the way you happened to mistake?—That was the mistake.

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5772. You were quite ready to have said 5*l.* 10*s.* in round numbers, if you had been asked generally what the value of the premises were?—I might say that.

5773. But you tripped, in consequence of my asking the garden and the house separately; was that so?—Yes.

5774. Well, now, then let me, as you have made a trip here by my separating the two, the house and garden; tell me what the part occupied by Hazleton and the garden which he has taken together, what would they be worth to let by the year?—Are you going to include the whole of the garden and house?

5775. That part occupied; I am putting a very plain question to you; tell me what that part of the house occupied by Hazleton and the garden which he also occupies, what they together are worth to let by the year?—They are worth 11*l.*

5776. Do you happen to know, Lennon, whether rents are high or low in Carlow?—I know that the rents are high in Carlow; the last house I was at work at they set for 50*l.* a year.

5777. I cannot compare that, you know; pray, in 1832, when this Mr. Hazleton came up to register, do you recollect whether he was brought by Mr. Haughton?—I cannot say it was by Mr. Haughton.

5778. Try again?—I cannot say; but I know he did come at that time.

5779. You were present at that time when he was rejected?—Yes.

5780. You do not remember; try again; you do not remember whether he was brought up by Mr. Haughton or not; was he not brought up by Mr. Haughton?—I cannot say it was Mr. Haughton.

5781. Mr. Haughton and some body else?—He came of his own accord, or some body else brought him; I do not know which.

5782. Was that some body else; was that Mr. Haughton?—I do not know whether it was Mr. Haughton or not.

5783. You say Mr. Haughton was there at the time?—I will not say he was there at the time; I do not know whether he was in the court or not at the time.

5784. I understood he was present?—I did not say he was present.

5785. Do you mean to swear he was not present?—I will not swear whether he was or not in the court-house; I could not; Mr. Bates there could tell you that as well as me.

5786. As you know?—I was Mr. Bates's friend at that time.

Re-examined by Mr. *Austin.*

5787. You have been asked as to the value of a great many places and houses, but, among others, of one M'Quaid?—Yes.

5788. I think I understood you to say his house is next to Hazleton's; is that so?—It is to Cuddy's; the one now that Keefe is in it.

5789. On that side?—Yes.

5790. Could you tell the Committee which has the larger frontage, M'Quaid's house or Hazleton's?—Hazleton's house has a great deal the largest front; if Hazleton's house and Cuddy's house were put together it is twice as big as the other.

5791. As M'Quaid's?—Yes.

5792. You just now told me that Keefe has that part of Hazleton's house which was formerly Cuddy's?—Yes, sir; he is in it now.

5793. Keefe is a nailer, is he?—Yes.

5794. Have you ever observed the forge in Keefe's part, since Keefe has had it?—I have, sir.

5795. Whereabouts in the room does the forge stand?—Against the end wall that is next to M'Quaid's house; that is opposite the window.

5796. As you go into Keefe's house—just observe—as you go into Keefe's house, is that wall on the left-hand side or on your right?—The house is situated—supposing on this side—this is the front of it, this is the side of Tullow-street, here is this hob-stand.

5797. Then it is on your left hand, as you go into Keefe's house?—Yes.

Cross-examined by Mr. *Thesiger.*

5798. When did you see this?—I will tell you, as near as I can think; it is about five or six weeks ago.

5799. Did you see it more than once?—Indeed, I did.

5800. What

5800. What took you to Keefe's house?—Why, if you like to know the truth, I will tell you.

5801. You are on your oath to tell it?—On my oath, I will tell the truth; I was in a place to work, and I could not get quiet to smoke my pipe; when I came out on the street I went across to the nailer's shop and handed in the pipe through the window to get a bit of fire.

5802. Where is the bellows?—Beyond the hob.

5803. On which side?—On the left-hand side as you go in.

5804. Is not the whole room a forge?—I do not see it is.

5805. Is this the only view you had of it through the window?—That was all.

5806. When you were putting your pipe through?—Yes.

5807. About five or six weeks ago?—Yes.

5808. Was your pipe lighted immediately, and did you go?—I stood there talking to him at the window for a little bit.

5809. Did you know you were to be asked about this hob and bellows and forge here?—On the virtue of my oath, I did not think about coming about the house at all.

5810. Have you had any talk with any body outside since you have been out?—On my oath, nobody axed me a word from the time I went out until I came in again.

5811. Had you any talk with any body last night?—Not a word.

5812. That is the only time that you looked at this room of Keefe's?—At different times, in passing backwards and forwards by the nailer's shop; we go into a nailer's shop to light our pipe.

5813. Have you lighted your pipe more than this once, five or six weeks ago?—More than once, and more than twice.

5814. Just putting it in and getting a light, you made all these observations?—All the observation was to see the hob and the bellows.

Examined by the Committee.

5815. Could the door be opened into the other house; would the position of the hob and the bellows prevent the door being opened into Hazleton's house?—No, sir, it could not prevent it at all; for the passage from the street was this way, in the direction straight in, and the bellows were to my left-hand side, and the other door was to my right, going into Hazleton's house.

5816. It could not prevent it being opened?—No.

5817. It was five or six weeks ago you saw the forge in this position?—Yes.

5818. Have you ever seen it before in that position?—The forge?

5819. Yes.—I did see it once or twice; I went to the window to hand in my pipe; I often went into his house on the other side when he lived on the other side of the street; the other side was the walking side, and I often went into his house on the other side to light the pipe.

5820. You are a carpenter?—Yes.

5821. Have you ever done any carpentering work in Hazleton's house?—Never.

5822. You were not called on as a carpenter to do any thing with regard to any door?—No, not a ha'p'orth I have ever done for Hazleton.

5823. How long have you known Hazleton's house?—Since I first knowed it?

5824. Yes.—I understood it was burnt at the time of the rebellion, and I know it since that to be rebuilt.

5825. Have you known it ever since it has been rebuilt?—Yes.

5826. Have you been in the habit of going into it ever since it has been rebuilt?—Indeed, I never was much in the habit of going into it in my early period.

5827. When did you first commence being in the habit of going there?—Since Hazleton came in it.

5828. How long ago is that?—I believe Hazleton is in it; I understood Murray sold the good-will of it; he owned it.

5829. When did Hazleton come in for the first time?—I know he is in it five or six or seven or eight years.

5830. At first when he entered was there any communication between his house and Cuddy's?—I can't say that; I can't say that there was or was not.

5831. When was the first time you noticed the communication; the door?—I dare say it is a couple of years.

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5832. About two years ago?—Yes, since I first took notice of it.

5833. Were you in the habit of going into Hazleton's house in last February, at the time of the election?—I went into it once or twice; I won't say in February or March, or before it or after it; I would only go in when I be short-taken for a shave to get myself shaved; I was not a going customer to him, because I often shaved myself; if I was short-taken for a shave I went in.

5834. Was the door generally open between Cuddy's house and Hazleton's?—Why, I cannot say it was generally open; I was not often in it; I saw it open two or three times when I was in it myself.

5835. Have you ever seen it open yourself?—I have.

5836. Did you ever pass through it?—I saw women go backwards and forwards.

5837. Did you ever pass through it yourself?—I never did, indeed.

5838. Was there a lock to the door?—Egad! it appears to me that there was; for the fair side of the door was to me, and I saw the keyhole; I did not go and try it.

5839. Which do you call the fair side of the door?—I call that the smooth side.

5840. You said there was a cross bar?—No; that was the other side.

5841. That is the rough side?—That was on the rough side.

5842. And on whose premises was the rough side?—Into the room.

5843. Whose premises?—Into Hazleton's.

5844. The rough side?—That was in Cuddy's side.

5845. Was the lock on Cuddy's side?—It was.

5846. The lock was on Cuddy's side?—Yes, and the keyhole was next to me.

5847. When the women passed through from Hazleton's to Cuddy's, did they shut the door after them, or was it still left open?—I did not mind whether they shut it or not; one went out one way and the other came back again afterwards; I considered they were going up to have, may-be, their breakfast, or something in it.

5848. Did you ever perceive any nails in the door?—No, never, indeed, unless what nails were in the hinges or locks, or the like of that, and I did not see them itself.

5849. Did you ever notice the door was nailed up?—I did not.

5850. Did you ever see marks of nails in the door?—Indeed, I never did, unless the nails that were in the making of the door.

5851. Did you ever see any wooden bolt across the door?—Indeed, I never did.

5852. By Mr. *Thesiger*.] Which way did the door open; on the side of Hazleton's house or towards Cuddy's house?—Towards Cuddy's house and to that back wall of the house; to the back wall of the house.

5853. Am I to understand you to say the door opened into Cuddy's side?—Yes.

5854. You are positive of that?—Yes.

5855. The door went back towards the rear of the house?—Yes.

5856. As you are a joiner, if you were called in to nail up that door, should you nail it from Cuddy's side or from Hazleton's side?—Nail it from Cuddy's side.

5857. Could they get from Hazleton's premises into Cuddy's without Cuddy chose to open the door?—Without Cuddy opening the door?

5858. Yes.—They could.

5859. You say the lock was at Cuddy's side?—The lock was at Cuddy's side, but the keyhole was up this side through; that is all I can say about it; I saw the keyhole there.

Mr. *Thesiger* requested the Chairman would put a plan of the premises into the Witness's hand, and examine him as to the position of the forge in Cuddy's house?

Mr. *Austin* objected to the Witness being examined upon the plan.

5860. The Committee understand you to state the forge in Cuddy's premises was on the left-hand side as you go into Cuddy's premises from the street?—Precisely.

5861. And it was not on the right side?—If it was it would shut up the street-door you went into.

5862. It was not on the right-hand side as you go in?—It was not; it would shut up the door as you go in.

5863. If it had been on the right-hand side, you say the street-door could not have been opened?—There would have been no passage to it; the partition wall that goes across; the street-door comes very convenient; the street-door when it is opened comes against the partition wall.

5864. The street-door opens to the right hand, does it?—Yes.

5865. It comes against the partition wall between Cuddy's and Hazleton's premises?—Yes.

5866. Then if there had been a forge on the right hand-side of Cuddy's wall, that would have hindered the street-door from opening?—It would have prevented the passage from the street-door, unless you went round at the end of the hob and bellows.

5867. You say that this door between Hazleton's and Cuddy's was on the opposite side of Cuddy's room, to the side on which the hob was?—The hob is against the gable-end of M'Quaid's house at the left-hand side of the door as I went in, nearly opposite to the window where the tailor used to work.

5868. Where is the door between the two houses?—I believe about four or five feet from the street-door; the door is in the partition.

5869. Was the door whitewashed; between the two houses?—Why, then, it is not.

5870. Was it whitewashed on either side?—No.

5871. You are sure?—I am sure; I was looking at it that day; I was smoking; I looked in at the window; I will tell you what I think it is painted with, with some kind of Spanish brown; it was temporary paint, and I am sure it was not a real painter that done it.

5872. When you went to be shaved, you were often in Hazleton's house?—Yes.

5873. You then had the best opportunity of seeing whether it was whitewashed or not?—That side next to Cuddy's was not whitewashed, and neither is the side next to Hazleton's.

5874. You are positive?—I am positive of it.

5875. And that it is painted Spanish brown; are both sides of the door painted brown?—Painted with Spanish brown and water.

5876. Both sides of it?—Both sides of it.

5877. What is Spanish brown; is it paint?—It is a kind of paint that carpenters use themselves for colouring coffins, and things like that; it is a cheap thing.

5878. Was all the wall painted so?—No.

5879. Only the door?—Only the door.

5880. Was the wall whitewashed?—It was whitewashed.

5881. When you say the door was painted Spanish brown, of what time do you speak?—About six, about five or six weeks ago.

5882. Since the last election?—Since the time I seen it last, about six weeks ago.

5883. Do you recollect having seen it before the last election?—I did.

5884. What colour was it then?—It was the same kind, some kind of colour of that description that he had on it; two or three times he daubed it with that; he painted it with that colour, lamp-black and Spanish brown, and made it a dark thing.

5885. Do you state it was of the same colour when you saw it since the election that it was when you saw it before the election?—Indeed, I think it was the same, unless it got a little faded or lost its colour.

5886. Has that door ever been whitewashed, on either side, since you have known the house?—Upon my word, I have never known it whitewashed.

5887. To the best of your recollection, it has always been the colour of that Spanish brown?—I think it was Spanish brown, or some kind or another, that they give it a lick of that, and they gave it a coat.

[The Witness withdrew.]

John M'Donald called in and sworn; Examined by *Mr. Cockburn*.

5888. DO you live at Carlow?—In Carlow? I do, in Tullow-street, in Carlow.

5889. A few doors from Hazleton's; do you live a few doors off from Hazleton's?—There is three doors between it and my own property, and there is one belongs to another, and I hold the plot on the other side.

5890. As a neighbour, have you been in the habit of going in and out of his house?—I did.

5891. Did you ever go to be shaved there?—No, I never did.

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5892. You have been in and out of the house?—Yes.

5893. Do you know part of the house is occupied by a tailor of the name of Cuddy?—I do.

5894. Can you tell me whether there was any communication between the part which was occupied by Hazleton and the part which was occupied by Cuddy?—There is a door to the left hand as I go in.

5895. As you go into Hazleton's?—As I go into Hazleton's, a door to the left hand.

5896. Have you observed that door many times?—Certainly, every time I go in, I always saw it.

5897. Have you ever seen that door opened?—I have been to Cuddy's; Cuddy is a tailor, and made some clothes for me, which are here present on me; that is six or seven months ago since he made them clothes.

5898. Did you go to his house on the occasion of his making those clothes?—I went in with the design of giving him directions how to make them.

5899. When you were in the house about these clothes, did you see any thing about the door?—I did.

5900. What?—I saw it opened.

5901. Was it standing wide open or not?—It was open.

5902. Did you see any body go in and out from one part of the house to the other?—I saw Cuddy's wife pass backwards and forwards several times while I was within, and appearing to me that there was no difference between them, only seeing a fire at each end of the house.

5903. Have you been in Cuddy's house at other times besides that?—Several times.

5904. Have you ever seen the door open on any other occasion?—I did.

5905. How often have you seen the door open?—I cannot certainly tell you how often I have seen it.

5906. About how many times have you seen it open, two or three or four?—More times than that; whenever he borrowed any thing I used to go into the house for the purpose of getting it again.

5907. You have seen it more than half-a-dozen times open?—I think I have.

5908. And persons going in and out, backwards and forwards, from one part of the house to the other?—Yes.

5909. Did you ever see that door nailed up or fastened up?—I know nothing of its being fastened up; if I did, I did not make any remark.

5910. You never saw it fastened up?—No.

5911. Did you ever see the door fastened up or not?—Never.

5912. Did you ever see it fastened up from Hazleton's side?—I did not.

5913. Can you tell me whether there was any bolt fastened with nails on Hazleton's side?—I never took notice of its being fastened.

5914. Did you ever see such a thing?—Never.

5915. You have property in Tullow-street yourself?—I have adjoining that, these twenty years.

5916. Adjoining Hazleton's house?—Yes; there is another man has a property between where I live on the other side again.

Cross-examined by Mr. *Thesiger*.

5917. You say you have been into Cuddy's house?—I do.

5918. Have you been into Hazleton's house?—I have.

5919. What did you go to Hazleton's house for?—I used to go in there occasionally; any time he would borrow any thing from me, I would go in for it.

5920. To get it returned?—Yes; and another thing he used to what we call set a razor, and I used to go in to get it strapped.

5921. Did you observe this door on Hazleton's side?—I did.

5922. Was there a lock?—I will tell you all I can say.

5923. Was there a lock?—Certainly, there was a lock.

5924. On which side of the door was the lock?—Really, I cannot tell you.

5925. You recollect the lock?—I will tell you all I have for it.

5926. On which side of the door; you were on Hazleton's side; on which side of the door was the lock?—That is what I did not take any notice of; all I can say is—

5927. You are sure there was a lock?—Will you allow me, if you please—

5928. You

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5928. You are sure there was a lock?—There was, by the way he expressed the word to me——

5929. Who expressed the word to you?—Hazleton said——

5930. I do not want to ask you what Hazleton said; I am asking you, of your own observation, did you see any lock upon the door?—I did not see it, because I did not mind——

5931. You must not tell us what Hazleton said?—Why, he said——

5932. You are not to tell us what Hazleton said?—He showed me the key; there must be a lock, because he showed me the key.

5933. How came Hazleton to show you the key?—Because he said, "Them damned rascals have been measuring the place; and had I been in, what would I not have done to them? and here is the key, and I can go in when I like; and if you come in now I will show it to you;" I said, "No occasion, I do not want to go in at all."

5934. You did not go in?—It was not need.

5935. When was that?—This was some time before I had an order to come here.

5936. When?—I cannot tell you on what day.

5937. How long ago; a fortnight?—I am very near a fortnight from home.

5938. It was just before you left home to come here?—It was more than a fortnight since.

5939. It was about a fortnight ago?—It must be a month; it was before I left home he was telling me all this.

5940. Did you observe any bolt on the door?—I did not.

5941. Will you swear that there was no bolt?—I will not; because I will not swear whether there was or was not.

5942. Did you see any nails upon the door?—I did not.

5943. Will you swear that there were no nails?—How can I swear what I did not see?

5944. You will not swear there were no nails?—I will not, when I did not see it.

5945. Now, just describe the door to the gentlemen of the Committee?—It was upon my left hand going in.

5946. What sort of door was it?—I suppose it to be a deal door, with some kind of colour dark paint upon it; it might be Spanish brown, or something of that.

5947. Did you observe whether there were any panels to the door?—Plain door, with four boards down in that way, I suppose, to it.

5948. You suppose?—Yes.

5949. Did you not see it?—I did.

5950. You can tell us, without supposing, whether it was so or not?—I can tell you there are no panels in it; only upright boards; boards across.

5951. Was there any thing else on either side of the door which was remarkable?—Nothing, as I know of, any thing further.

5952. As you saw the door open, on which side did it open?—I never minded; but I saw it open.

5953. You can tell us on which side; did it open on Hazleton's side or on Cuddy's side?—I do not know on which side it went, in or out.

5954. Do you know whether it turned into Cuddy's house or into Hazleton's house?—I cannot, for I never minded it.

5955. Did you know on which side the hinge was; whether it opened towards the outer door or to the other way, towards the back?—I cannot say.

5956. Was there a fair and rough side of the door?—A what?

5957. A fair side of the door and a rough side; one side smooth and the other side rough?—I declare I do not know whether it was or not.

5958. Can you tell us the size of the door?—I could, if you told me before I left home I was to come here; I did not know I was to be asked any question on this business until I came here.

5959. Cannot you recollect when you say that Cuddy's wife went in and out of this door; cannot you recollect how she opened it?—It is wrong of me to say what I did not see; I did not see her open it, only going in and out; I saw her go in and out, and I know nothing more, because the door remained open.

5960. You cannot tell us which side you remember opened?—If I knew I would tell you.

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5961. The last time was not more than a month ago, you know, that you were there?—I was not withinside the door; I was standing at the door looking in, and the door was not as far as from me as that.

5962. I can tell on which side the door opens; I can tell, although the door is not open; I can tell on which side it opens?—You could not if you were as far from home as I am.

5963. I could if I was at home, which is a distance from this place; I could remember, having seen that door, how it opens; you only saw that door a month ago; cannot you recollect and tell the gentlemen of the Committee how that door opens?—Do not I tell you I was standing at the head of the door, within a step of going in, when he told me to come in and he would unlock the door for me, and it was not opened; how could I tell?

5964. Cannot you tell on which side the hinges were?—I could not.

5965. I think you say it is about six or seven months ago that you first saw this open?—In or about that time, but oftentimes been within since.

5966. You never saw it open before that time?—I might, but I cannot remember it.

The room was cleared.

The Committee deliberated.

Counsel and Agents were called in, and informed by the *Chairman* the Committee had resolved as follows:—"That intimation be given to Counsel, by the *Chairman*, that the unanimous impression of the Committee is, that sufficient evidence has not been given to impeach the validity of John Hazleton's vote; nevertheless, the Committee are perfectly willing to proceed to the hearing of Counsel, if Counsel should think fit."

Mr. *Austin* stated he should decline addressing the Committee under those circumstances.

Mr. *Thesiger* was heard against the vote.

The room was cleared.

The Committee deliberated.

Counsel and Agents were called in, and informed by the *Chairman* the Committee had resolved, "That the vote of John Hazleton is a good vote."

[The Committee adjourned till To-morrow, at Eleven o'Clock.]

Sabbati, 18^o die Maii, 1839.

GEORGE GROTE, ESQ., IN THE CHAIR.

Mr. *Thesiger* stated they proposed to remove from the poll the vote of Patrick Doyle, No. 9 on the poll, resident in School-lane; house and garden; value 10*l.*; householder. Voted for Mr. Gisborne. Vote objected to.

Alexander John Humfrey, Esq., called in and sworn; Examined by Mr. *Thesiger*.

A. J. Humfrey,
Esq.

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5967. WILL you produce the affidavit of register of Patrick Doyle?—There it is.

The affidavit described the voter as of School-lane, labourer, and as registering for "house and garden;" dated 4th April 1835.

Mr.
Edward Dowling.

Mr. *Edward Dowling*, called in and sworn; Examined by Mr. *Thesiger*.

5968. DO you know Patrick Doyle, of School-lane?—I do.

5969. Were you present when he came up to register in the month of April 1835?—I was.

5970. Was he himself examined in support of his claim?—He was.

5971. And was there a witness of the name of Lawlor also examined?—There was.

5972. Out of what premises did Doyle claim to be registered?—Out of the slated house that he resided in, and an adjoining house thatched.

5973. Did he say by whom the adjoining house was occupied?—

[The Witness was ordered to withdraw.

Mr. Cockburn stated he objected to the line of examination now being pursued. The affidavit on which this voter claimed to vote had no ambiguity in it; the only ground on which the affidavit could be explained would be upon the supposition that it was ambiguous.

Mr. Thesiger stated, this was like the case of Hazleton. He was going to show the party claimed to register as for the entire house; for the part which he occupied himself and for the adjoining part, which was in the possession of tenants; that he was admitted to register for the whole, but that the part which he himself occupied was not of sufficient value. The point had been decided in Hazleton's case. He was not going to contradict the affidavit, but only to explain what were the premises styled "a house" in the affidavit; it was admitted you might explain the affidavit, but not contradict it; that was the object on this occasion. If these were two distinct houses, a party could not be registered for two distinct houses; the object was to show what the house was for which the party claimed to register.

Mr. Cockburn stated, if he understood it was intended to be proved that originally the house was open, and now the proof was that they had been severed again, he did not object.

Mr. Thesiger stated that was the case.

Mr. Edward Dowling again called in; Examined by Mr. Thesiger.

5974. DID the voter state by whom the thatched house was occupied?—I do not recollect he stated the thatched house was occupied by any person; but he stated the thatched house belonged to himself.

5975. Did he state whether there was any communication made between the two houses?—He did.

5976. Did he describe what that communication was?—A door-way leading from one to the other.

5977. Within?—Yes, within.

5978. Did he state how long that door of communication between the two houses had been made?—I do not recollect that he stated it.

5979. Did Lawlor, in his presence?—The witness did.

5980. By the Committee.] Did this occur before the revising barrister?—Before the registering barrister.

5981. What did he state with regard to this door of communication; how long before the registration had that been opened?—Do you mean Doyle or the witness?

5982. The witness.—The witness stated that the communication was not broken open more than two or three days before, and that the slated house would not be worth 10*l.* was it not for the one adjoining.

5983. Who stated that?—John Lawlor.

Mr. Cockburn stated he apprehended what John Lawlor said could not be received as evidence.

5984. Was it in the presence of the voter?—

Mr. Cockburn.—A man could not control what a witness might say in a court of justice, and therefore his being present did not affect the question.

Mr. Thesiger submitted it was evidence, as he produced it in support of his claim.

5985. He being present at the time, did he deny the fact?—No.

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5986. By the *Committee*.] Who was the man that said the thatched house belonged to himself; Lawlor?—Doyle.

5987. Are you acquainted with the value of houses in Carlow?—Partly; I am tolerably good.

5988. Are you the owner of many houses yourself there?—I own a great number, perhaps upwards of 50.

5989. What part of these premises was occupied by Doyle at the time of the election?—Not having been in the house, I do not know of my own knowledge; but he stated himself that he occupied the slated house, and that the adjoining house belonged to him.

5990. That is the time of the registration; I am speaking of the time of the election, of the last election; do you know at the time of the last election what part of these premises were occupied by Doyle, the voter, himself?—I cannot say.

5991. Now, assuming for the present, and of course to be subject of proof, assuming Doyle only occupied the slated house and the garden at the back, what, in your judgment, would be the fair value to let by the year of that portion of the premises?—I should think 6*l.* would be the value of it.

5992. By the *Committee*.] Of the slated house?—It is in a very wretched part of the town, a bad street, or rather lane.

5993. Have you houses in a better situation than this which are let at the same or a less rent?—I have a house in a better situation set at five guineas; as good a house.

5994. As good a house as that one, the slated house?—Yes; in a street called Brown-street.

5995. What, in your judgment, is the value to let by the year of the thatched house?—Why, I should think 3*l.* a high rent upon it.

5996. That is for the thatched house?—Yes; I have better houses set for 3*l.*, slated; garden and yard with them.

Cross-examined by Mr. Cockburn.

5997. Did you attend throughout the whole of the registration, Mr. Dowling?—A great number of them.

5998. Have you attended all the registrations?—Not all.

5999. Did you attend the whole of that?—I did; at that period I generally attend the registers.

6000. In what capacity?—Merely as a matter of information, and to see what was going on.

6001. Did you take a note of what passed?—Never took a note of what passed.

6002. This, I think you say, was in April 1835?—Yes.

6003. Four years ago?—Yes.

6004. Do you mean to say you can recollect distinctly what each voter said who was objected to on your side when he came up?—Not each voter; but I have a perfect recollection of that, for a reason I would mention; I often talked it over how Lawlor, who is a steward at the College, swore as to the value of that house, and that the value of the slated house would not be worth 10*l.* if not for the adjoining house.

6005. Whom did you talk that over with?—In several companies.

6006. Will you tell me any company in which you talked that over?—I mentioned it to——

6007. Can you tell me one company you talked it over?—I mentioned it with Mr. Pat Finn.

6008. When did you mention it to him?—Indeed, I believe not for the last two or three years, I think.

6009. How soon after the registration did you mention it to him?—I cannot tell how soon afterwards.

6010. How came you to mention it to him?—Talking over the register; talking of the different persons that did register.

6011. On what occasion did you talk that over with him?—On several occasions.

6012. You have only told me one?—You asked me the last time; I said about two or three years ago.

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6013. I asked you when, not the last time; is that the only time?—O, several times before then; about the last time.

6014. Did you ever mention it to any body else?—I cannot recollect to whom; I know I talked to several people; in the first place, it was the general conversation of my shop, the register.

6015. And this particular vote?—It was not made a particular conversation.

6016. You did not take any note?—I did not.

6017. Did any one take a note of what took place?—I cannot tell what other people done.

6018. You were present; who acted as advocate, the agent; who examined and cross-examined the voters and witnesses?—I forget whether it was Mr. Butler or Mr. Hayes; I do not recollect which.

6019. Was it not Mr. Butler?—I cannot recollect.

6020. You that recollect what took place at the register, and recollect what the voters said, do you mean to tell me you do not recollect who was the gentleman who examined and cross-examined?—I am after telling you I do not recollect.

6021. Have you any doubt it was Mr. Butler?—I cannot tell who it was.

6022. To the best of your knowledge and belief, was it not Mr. Butler?—I cannot form any belief on the subject; I do not know which of the two gentlemen examined.

6023. Did they both?—I cannot tell that.

6024. Who has generally acted as advocating agent?—Mr. Hayes and Mr. Butler, both.

6025. Is Mr. Hayes in town?—Not to my knowledge; Mr. Butler is.

6026. Could you recollect what any other voter said at the time of registry?—At that registry?

6027. Yes.—No, I do not.

6028. You do not recollect what any other voter said at the time of that registry?—I have it not on my recollection at present.

6029. You will wait, perhaps, until you are told what votes are under discussion; are you come here to speak about any other votes?—I am.

6030. Are you come to speak as to what passed at the registry with reference to any other votes?—Yes.

6031. Which votes?—

[The Witness was ordered to withdraw.

Mr. *Thesiger* objected, and submitted on this particular case the other side had no right to examine into what other voters the Witness had come over to give evidence upon; the evidence should be confined to the one vote.

Mr. *Cockburn* was heard to support his right to put the question. The object he had in view was, to try the credit of the Witness, and to try the recollection of the Witness, for the purpose of obtaining information as to other votes.

Mr. *Thesiger* was heard to reply.

The *Chairman* stated, "The Committee are of opinion the last question ought not to be put."

[The Witness recalled.

Cross-examination by Mr. *Cockburn*, resumed.

6032. You are the gentleman who declined to answer the other day, are you not?—I did not.

Mr. *Wrangham* stated, that he objected to the course of examination; but the Witness did not decline to answer any question.

6033. You are the gentleman who was objected to on the ground of bribery, are you not?—I do not know what they have objected to me for.

6034. Upon your oath, do you not know what the objection to you is in the list?—Do you mean with regard to the elections?

6035. You know what I mean perfectly well; are you not the gentleman whose vote was objected to on the ground of bribery?—Yes, I am.

6036. How came you to say, you did not know the ground on which you were objected?—I did not understand the question.

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6037. Do you mean to swear you did not understand my meaning after I asked, "if you were objected to on the ground of bribery?"—I did not, indeed; I thought he was referring to the question that was objected to my answering before.

[The Witness was ordered to withdraw.

Mr. *Thesiger* was heard to object to the course of examination as irrelevant.

The *Chairman* stated, the Committee were of opinion the examination might proceed.

Mr. *Edward Dowling* recalled; Cross-examination resumed by Mr. *Cockburn*.

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Edward Dowling.

6038. I THINK, on a former occasion, you told us you had taken an active part at the last election?—I did.

6039. You have at all the elections?—Yes.

6040. You said you had changed parties, or that parties had changed, and you remained in the same position after the passing of the Reform Bill?—Precisely; I never changed from Mr. Bruen, from the time he attempted to open the corporation in Carlow.

6041. Did you attend the last registration?—I know I attended the December one.

6042. Have you attended most of the registrations since the Reform Act?—I did not attend them for the last couple of years so much as I did before.

6043. Have you generally, from the time of the passing of the Reform Act, down to the last two years; have you attended pretty well at the registrations?—Yes.

6044. Generally in the character of a witness?—Not generally; I have attended there as a valuator of houses.

6045. Up to within the last two years?—I do not think I have for the last two or three years.

6046. Was it in the character of a witness to value generally?—Yes.

6047. Did you go round the town and look at all the houses?—I did not.

6048. Look at many of them?—I valued them from my knowledge of them.

6049. Without going to inspect them?—Without going to inspect them; I have gone to look at some houses; but I never gave evidence with regard to any house but a house that I had a perfect knowledge of.

6050. Upon how many votes may you have generally, taking one registration with the other; upon how many votes may you have given evidence?—I declare I cannot immediately recollect.

6051. Twenty or 30?—Indeed, I am sure I did.

6052. Forty or 50?—I cannot say as to that.

6053. Do not you believe you did on an average from 40 to 50 houses at each registration?—Well, I do not think I did.

6054. Forty?—I could not be particular as to the number; if I had the list I could point out the houses.

6055. Forty, you say; do you mean of all those 40 houses you had yourself personal knowledge?—Whatever number I did value, I had a personal knowledge of.

6056. Have you frequently been in the house of this voter you are speaking to now?—I did not state I ever was in it.

6057. Do you know whether there is a garden to it?—I do.

6058. Do you know the garden?—I do.

6059. What do you estimate the garden at; do you include it in your 6*l.* a year?—I did.

6060. What do you estimate the garden at?—I do not think the garden worth more than 1*l.* a year.

6061. You put the garden at 1*l.*, and the house at 5*l.*?—Precisely.

6062. What is the extent of the garden; how large is it?—It is a small garden.

6063. About how large?—I dare say it is about 30 or 40 yards long; I never measured it.

6064. And how wide?—I do not think it is more than five or six or seven yards wide; that is by my eye; I never measured it; merely as I can recollect it.

6065. Whereabouts is the garden; at the back of the premises?—The garden is at the back of the two houses.

6066. Have

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6066. Have you been in it?—Never was inside, but walked outside of the fence.

6067. Where is the other side of the fence; whose property is that; what is it?—It is a lime-kiln, belonging to a man of the name of Young.

6068. Did Young vote at the election?—The Young I speak of had no vote.

6069. You say you have seen the garden from this lime-kiln, but you have never been in it?—I was walking alongside the fence.

6070. Do you know what the house consists of?—Yes.

6071. Inside?—I do not.

6072. Do you know whether there is a yard behind it?—There is.

6073. To the slated house?—Certainly.

6074. To the slated house?—Yes.

6075. Is there any back house or back office?—There is a shed up against the wall, up against the house.

6076. Is that shed slated?—It is thatched; it was thatched when I saw it; I did not see it since February twelve months.

6077. What the house may be inside you do not know?—I do not know.

6078. In estimating the value of a house to let, is not the extent of the premises inside, and the condition of them inside, a very material ingredient in forming your estimate of value?—Sometimes it is.

6079. Sometimes it is not?—If that house is very well finished, it is not worth much; it is in a bad situation, a wretched place.

6080. Do you mean to say the interior of the house, the extent of the rooms and premises, and the condition in which they are, does not make a very material difference in the value of a house to let?—I say they improve a house very much.

6081. Then in forming your estimate of the value of this house, you do not know the state of the interior?—I never was inside.

6082. Did you swear at the registry what the value of this house was?—No.

6083. You were present?—I was present.

6084. You now say, that you would estimate the house, the slated house and garden, at 6*l.*, and the other at 3*l.*; how came you not to state that before the registering barrister, if the vote was objected to at the time?—I did not choose to go forward; and another reason; I will tell the other reason, it just strikes me at the moment; I had not a knowledge of the house at that time.

6085. How long had you lived in Carlow then?—I was born in Carlow.

6086. Had you not seen the external part of this house frequently, in passing up and down this street?—Not previously; there is no passing; you can pass by it; it is a lane that goes down from a leading lane.

6087. Did you speak at that or any other registry to any of the houses in that lane?—Never.

6088. When did you first acquire a knowledge of these premises?—After he registered.

6089. How soon after?—I cannot be particular as to the time.

6090. Twelve months?—It was less.

6091. Six?—I went to look at it shortly after, with a young lad of the name of Blake; he brought me down to view it.

6092. Did you then see the garden?—I did.

6093. Did you go into the lime-kiln on purpose to see the garden?—I did not; I merely saw the garden out of Blake's garden; it was a matter of curiosity, not for any particular purpose, made me examine it; Blake was talking as to the value of it, and saying he was surprised.

6094. Do not tell us what Blake said?—I am only mentioning my reason for going to look at it.

6095. How high is this house; how many stories?—Which house?

6096. The voter's, Doyle?—Two stories.

6097. Do you know how many rooms?—Never was inside.

6098. How many windows are there?—I think it is four.

6099. Two above, and two below?—Yes.

6100. Are there any windows to the back?—I was not there since last February twelvemonth, February 1838; as to the number of windows, I cannot exactly recollect; but as near as I can remember, four in the front.

6101. I think you say the place was in a wretched state?—What?

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6102. The premises, you say, were in a wretched state?—I said no such thing; I said the lane; I said the situation was a bad one.

6103. What was the state of the premises?—The state of the premises?

6104. Yes.—A slated house, two stories high.

6105. That is not what I mean by the state; what sort of repair was the place in?—It looks very well outside for a small house.

6106. A good sort of garden?—A small garden; at the time I saw it it was not cultivated much.

6107. What time of the year was that?—February.

6108. Was there snow upon the ground; was there snow upon the ground?—I declare I do not recollect.

6109. You cannot tell whether there was snow on the ground, and yet you can venture to tell the garden was not in a good state of cultivation?—It was not.

6110. Suppose there was snow upon the ground, would you be able to see what the state of cultivation was?—Of course I would not.

6111. Tell me, on your oath, whether there was or not snow on the ground; was there or was there not snow on the ground?—Well, I cannot say; I believe there was snow; but in the course of that winter, the latter end of December and January and the month of February, I was in the habit of going down there to a poor woman, to whom I used to give a weekly allowance.

6112. Where did she live?—She lives in a house of a man named Blake.

6113. Do you mean from Blake's house you could see the garden?—From Blake's garden.

6114. Is not Young's between Blake's and this?—To be sure it is.

6115. Young's is a lime-kiln?—The lime-kiln is convenient to the street; it would not prevent you from seeing the garden; the fence is low.

6116. What is the width of Young's premises, that intervenes between Blake's and Doyle's?—I do not think it is wider than Doyle's.

6117. Do you mean, then, you had the opportunity of seeing this garden; that you observed this garden in December and January?—Very often.

6118. How came you to speak of February only just now?—I went down to examine it in February.

6119. By Mr. *Thesiger*.] That was the last time?—Yes; it was the latter end of February; I went down shortly before I came over to London.

6120. I ask you again, when you saw it from Blake's premises what time of the year was it in; the last time you saw it, you went shortly after the registration; what time of the year was that?—I declare I cannot tell.

6121. Do you mean to say when you went to look at it shortly after the registration, the garden was then not in a good state of cultivation?—I did not say it was then in a bad state of cultivation or good; but I say when I examined it, when I saw it last December twelvemonth and January twelvemonth, it was then not in a good state of cultivation.

6122. In the depth of winter the gardens in Carlow are not in a high state of cultivation?—They are not; but those who wish to keep their gardens keep them prepared for tillage.

6123. Do you mean to say when you saw it after the registration, which would be in the spring or summer; do you mean to state it was in a deficient state of cultivation?—I do not recollect after the registration.

6124. You went to look on purpose?—At the house I did.

6125. Did you not to the garden?—I went to Blake's and saw it.

6126. Did you not go for the express purpose of seeing it?—I did.

6127. What do you mean by saying you did not see it; did you not say you went to Blake's garden to look at the garden, shortly after the registration?—Yes.

6128. Do you adhere to that?—Yes.

6129. Do you mean to say that then, which was in the summer or spring months, that the garden was not then in a proper state of cultivation?—Four or five years, I have no particular recollection of the garden.

6130. Have you of the house?—I have; because I passed the house very frequently in December and January, for the very reason I told you.

6131. What was the reason?—A poor woman sick in that lane; I was in the habit of giving a weekly allowance.

6132. Would you pass the garden?—No, no; it is the front of the house I passed always going down.

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6133. Down to the poor woman, you passed the front of the house?—Yes.

6134. Not the garden?—Yes.

6135. How came you to tell me, in the course of December and January, you frequently saw the garden because you were going to the poor woman's?—And so I did; I frequently met Blake at the door; sometimes called in to see him, and we went into his garden; I could see it very plain; the fence is a very bad one.

6136. What is Blake?—A whitesmith or blacksmith.

6137. Has he a small place?—He has a large garden.

6138. Is he a man in an inferior station of life?—He is a tradesman.

6139. Is he at all an intimate associate of yours?—He is not what you call an intimate associate.

6140. What was your reason for going to see his garden in December and January?—Because the man has done some work for me.

6141. Do you go into the house of every man who happens to have done work for you, and go into their gardens in December and January?—I did not say so.

6142. How did it happen, when you went to see the sick woman down the lane, on which occasion you represent you saw the garden; how did it happen on this occasion you went into Blake's house; not only into the house but into the garden?—Blake is a man often comes into my shop and holds conversations with me.

6143. Does he go into your garden?—He does not.

6144. How came you to go into his?—He expressed his astonishment to me at Doyle's registering, and brought me down to view the concerns; and repeatedly after we had some conversation as to how he could possibly register out of such concerns.

6145. Do you mean to say every time that conversation took place you went with him into the garden for the purpose of seeing Doyle's garden?—I did not say that.

6146. Do you say it?—No.

6147. Then your answer is no answer to my question; how came you on these occasions to go into Blake's house, and not only into his house but into the garden, in December and January; that is not the time one goes to inspect gardens?—Blake is a man I have a great respect for.

6148. Do you go into the garden of every one you have a respect for in December and January?—No.

6149. Assign any conceivable reason which would have induced you to go into Blake's garden in December and January?—Blake is a man I have a great respect for, and he often comes down to my shop.

6150. And does not go into your garden?—No; my garden is not there.

6151. Can you, except the respect which you say you entertained for Mr. Blake, the whitesmith, can you give any reason for going into his garden in December and January?—I will tell you candidly one reason I had for being intimate with Blake was, his father is a voter of Mr. Bruen's.

6152. What of that?—That is the reason I am so intimate with him.

6153. Just now you said you were not very intimate with him?—Intimate with him as a tradesman and a person whom I respect; as a person whose father votes for Mr. Bruen.

6154. Was there any reason why, in the cold weather of December and January, you should go into his garden?—It is a reason why I should hold conversation with him.

6155. But go into his garden?—And into his house and garden; and he has often given me fruit out of that garden.

6156. In December and January?—I did not say that.

6157. Did the voter produce his lease at the register; the voter Doyle?—I think he did; but I cannot positively say; I do not know.

6158. Did he state he paid 3 l. ground-rent, and he had built this house himself?—He did.

6159. The slated house; that he had built the slated house himself?—Yes.

6160. Were any witnesses examined against the vote?—I believe there were.

6161. Who were they, do you know?—I declare I cannot recollect who it was; I will tell you some of the persons who were in the habit of being examined; but whether they were examined upon that particular occasion——

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6162. Were you one of the persons who were in the habit of being examined?
—I was not examined on that.

6163. I do not ask you that; I ask you whether you were one of the persons who were in the habit of being examined?—I told you before, I was.

6164. Were you ever in the thatched house?—I told you I was never in either of the houses, nor in the premises at all.

6165. Never been inside the house?—No.

6166. You have stated, you have never, since the Reform Bill passed, you have never acted except on one side?—Since the passing of the Reform Bill?

6167. Yes.—I never supported any other person in the town of Carlow but Francis Bruen.

6168. Did you not support Mr. William Francis Finn?—I did support him.

6169. Is that since the Reform Bill?—Yes; and Mr. Francis Finn retired from the field, from offering himself as a candidate for the borough, in consequence of opposition he received from the persons who are now opposing Mr. Francis Bruen; the very persons who are opposing Francis Bruen now, opposed William Francis Finn.

6170. Was not William Francis Finn opposed to Mr. Bruen?—To his principles, I dare say, he might have been.

6171. Mr. Finn was what was called a Reform candidate?—He was when the gentlemen who are now opposing him supported him.

6172. Did you support him, or did you not?—Support who?

6173. Mr. Finn.—I told you I did.

6174. How came you to state you never supported any one except Mr. Francis Bruen?—Mr. Finn never offered himself as a candidate after the passing of the Reform Bill for the town of Carlow; he retired from the contest, and then Francis Bruen came in.

6175. I do not say he went to the poll; was he not a candidate in the borough of Carlow, soliciting the suffrages of the electors; canvassing?—He was.

6176. Did you not support him?—I did.

6177. Was that after the passing of the Reform Bill?—It was previous to the passing of it.

6178. Was it previous to the Bill or not?—I supported Francis Finn before and after the passing of the Reform Bill; when the registration commenced, Mr. Finn attended the register, and when he found he was opposed by the very persons who are now opposing Mr. Francis Bruen, he retired from the contest, and he desired me to support Francis Bruen, and oppose them.

6179. By the *Committee*.] When was it Mr. William Francis Finn retired from the contest?—The first register after passing the Reform Bill.

6180. By the *Committee*.] In what year was that?—One thousand eight hundred and thirty-two.

6181. By the *Committee*.] The autumn of 1832?—Yes; and he then retired from the contest, and he desired me to support Mr. Bruen.

6182. That was after the passing the Reform Bill?—Yes.

6183. When was it Mr. Francis Bruen endeavoured to open the corporation; was that in 1831?—I believe it was.

6184. Did you not swear in the course of your examination to-day, that you never supported any body against Mr. Francis Bruen after his endeavour to open the corporation?—What I meant by never supporting any other person was, I never voted for any other person from that to this.

6185. When I asked if you ever supported, you supposed I meant, whether you had ever voted?—I did, indeed; I assure you, on my oath, I understood nothing else.

6186. Did I not ask you, whether you took an active part; were you not asked, whether you took an active part?—I was.

6187. Do you understand by taking an active part, simply voting?—

Mr. *Thesiger* objected to the course of examination.

The *Chairman* said the examination might proceed.

—I took a very active part for Mr. Finn, I am free to admit that; I took a very active part for Mr. Finn.

Examined by the *Committee*.

6188. You stated that Doyle had mentioned, that he had built his house, and paid

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paid 3*l.* ground-rent; what could that house be built for; what should you imagine that house could be built for?—I would build it for 50*l.*

6189. What would you give for Doyle's premises altogether, the house and garden?—The purchase-money.

6190. The fee-simple, out and out; the question is confined to the slated house and garden?—It would cost me 50*l.*, but it would not cost him so much.

6191. Why would it cost him less than you?—He is a labourer, and they generally get things done cheaper than a person like me.

6192. What would you give for Doyle's house and garden, the freehold of it, if you were to buy it; what do you think it would be worth?—I think 50*l.* or 60*l.* would purchase it; I would not give a penny more for it.

6193. For the land and all?—For the land and all; I have purchased in the centre of the street in the town of Carlow some houses, and I purchased a house in a trading street, for which I gave 70*l.*, and I am now getting 16*l.* a year for it; the head rent is 4*l.* Irish, and I am getting 12*l.* profit, and that is a lease for ever.

6194. What is the name of that trading street?—It leads from what they call Graigue Bridge to the Market Cross; Castle Hill it is called; I had no money to lay out upon that house either.

6195. What rate of interest do you generally get for the money you lay out in Carlow upon houses?—I consider 12*l.* per cent.; sometimes more.

6196. When you get 12*l.* a year clear profit for 70*l.* you get a good deal more?—I do.

6197. You say the house and land, the freehold of it, I understand you to say could be bought for 50*l.*?—I think it could be bought for 50*l.* or 60*l.*

6198. What would the land be worth without the house; the land and garden; the land on which the house stands and the garden be worth, without any house upon it; no buildings upon the land; land and garden?—I never purchased any in that way.

6199. You can form a guess; you cannot say to a pound or two; make a rough guess?—I do not think the landlord would take much less than what I say; he might sell it for about 30*l.*

6200. He would sell the land without the house?—For 30*l.*; I think he would.

6201. Do you think the circumstance of there being a house upon it only adds 20*l.* to the value; you stated the house and garden at 50*l.*?—We hardly ever value property in that way in the town in purchasing houses.

6202. You sometimes buy a bit of land and build a house upon it afterwards?—I never did; and I do not know of its being done in Carlow, not to my knowledge.

6203. What would the site of the house be worth without a house upon it; the land upon which the house stands; what would the land on which the house stands be worth if there was no house upon it?—The yearly rent?

6204. No; to buy it out and out; the fee-simple of the site?—Without the garden?

6205. Yes; the mere ground on which the house stands; to buy it out and out, what would it be worth?—I am not able to judge; I never purchased a bit of land in Carlow in my life.

6206. What would the ground-rent without the house be worth?—I would not give more than 30*s.* a year for it; 30*s.* or 40*s.* a year, and to build a house.

6207. For the land on which the house stands?—Yes, the land and the yard, that is, the land the house stands upon and the yard.

6208. By Mr. Austin] Not the garden?—No; you asked me without the yard; I would not give more than 30*s.* for it.

6209. What would you give if you were to buy that out and out for ever; you would give 30*s.* a year, what would you give to buy that 30*s.* a year for, out and out?—As I said before, I never purchased a bit of land in my life in that way.

6210. You would give 30*s.* a year for it; how many years' purchase do you think it is worth?—I should think it would be worth about 15 years' purchase; I never purchased a bit of land.

6211. The ground-rent for the garden, what would that be worth; the annual ground-rent for the garden, what would that be worth?—I think about a pound.

6212. How many years' purchase would you reckon for that?—Why, I should think, as an accommodation to the house, I would give the same.

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6213. Fifteen years' purchase?—Yes; as I stated before, I never purchased a bit of land in that manner; I have purchased——

6214. If I understood you, you would give 50*l.* to 60*l.* for the house and land, buying it out and out, without any ground-rent on it; is that what I understand you?—Without any ground-rent?

6215. Yes.—I believe the question you put to me was, at least I understood it, what I would give for Doyle's interest.

6216. I did not mean that; I did not mean to ask that question?—I think about 50*l.* for the entire.

6217. If there was no ground-rent on the land?—Precisely.

6218. If there was no ground-rent on the land; if you were to buy the yard, garden and house, what would you give for it?—About 50*l.*

6219. For the fee-simple?—Yes.

6220. Free from all ground-rent?—Yes.

6221. What would it cost to build the house and premises as they stand now?—I stated it would cost me about 50*l.*

6222. If it would cost you 50*l.*, the land is worth something beside?—Of course it is.

6223. How much is the whole worth, free from any ground-rent?—Free from any ground-rent?

6224. To buy the freehold of it?—Recollect, I am speaking of the entire concerns, not the slated house; I understood you to question me as to the entire premises.

6225. The slated house only, without the thatched house?—I would not value it at so much; because it is a situation that if you build a good house in it you could not set it; it is only a lane fit for cabins.

6226. Then, when you give the value of 50*l.*, do you mean that that is the value of the slated house and the thatched house taken together, or of the slated house alone?—The entire premises.

6227. The slated house and thatched house together?—Yes.

6228. And the land upon which they stand?—Yes.

6229. What would it cost to build the slated house as it stands now; the slated house and its appurtenances, without the thatched house?—I think it would cost me about 50*l.*, the slated house.

6230. What would it cost you to build the thatched house as it stands?—It would not cost me 10*l.*

6231. What does the thatched house consist of?—I never was inside.

6232. Is it one story or two stories high?—One story.

6233. You do not know what rooms it contains?—No; but thatched houses are got up very cheap.

6234. What are the walls built of, mud?—I am sure I cannot tell; I am supposing them to be built of stone and lime; you can build stone walls by the perch for 1*s.* a perch, and the masons will find their own labour; I have got it at that repeatedly.

6235. What kind of wall?—A stone wall.

6236. Do they put in doors or windows in these thatched houses?—O, yes, of course; any I have built I have put both.

6237. Has this thatched house you speak of, your estimate of 10*l.*, has it a door or a window to it?—It has.

6238. How many?—It has a door of course.

6239. How many windows do you say it has?—I declare I cannot recollect.

6240. You have so slight a knowledge?—The slated house I particularly remarked.

6241. You know little about the thatched house?—We do not value a thatched house.

6242. You are in the habit of buying bargains; you buy places for 70*l.* you let for 16*l.*?—Yes.

6243. Have you got any other property?—Yes.

6244. Your purchases are generally upon those terms, pretty nearly?—Yes, they are pretty nearly; for instance, there is a house opposite that one I purchased, I gave 40*l.*; about 45*l.* it cost me altogether.

6245. What do you let that for?—I have that let for 11*l.* a year.

6246. What is the ground-rent?—About 2*l.* 15*s.*; I pay 23*l.* ground-rent for eight houses.

6247. What

6247. What do you make clear for that house you gave 45*l.* for?—I paid 2*l.* 15*s.* head rent, and I have it let for 11*l.*; the back concerns I have set also for 5*l.*, making 16*l.*; but I have laid out some money on it; I laid out about 30*l.*; I get 16*l.* for the entire concerns, and the ground-rent is about 2*l.* 15*s.*

6248. You get 16*l.*, deducting 2*l.* 15*s.*?—Yes.

6249. The rents are pretty high in Carlow, generally?—Since 1832 they are.

6250. How many houses have you in Carlow?—I have more than 50, I think.

6251. How many exactly?—I will take down the names, if you will allow me; I think I have about 56 houses.

6252. Are the rents generally of these houses high; do you let them in the same proportion pretty nearly?—I think I let them reasonably; people consider I do.

6253. Is the rent in some degree relative to the purchase-money you have been giving for the other places?—They are.

6254. Generally so?—Some of them.

6255. The rents are very high in Carlow?—Not with me, they are not.

6256. How many tenants have you?—About 56.

6257. You have 56 premises of all sorts?—Yes.

6258. And 56 tenants?—Yes.

6259. Do you get your rent tolerably regular for those houses?—I do; I am very well paid.

6260. Do you collect them weekly?—Generally quarterly and half yearly.

6261. How many voters have you among these houses?—There is but one.

6262. Only one voter out of all your 56 tenants?—Yes.

6263. How many bucks?—Not one.

Mr. *Thesiger*.—The Witness says it would cost 50*l.* to build the slated house and 10*l.* the thatched house; he has also stated he would only give 50*l.* for the whole concern; will he explain that?

The *Witness*.—For the fee-simple, do you mean?

Mr. *Thesiger*.—As I understood, that was the answer.

[The Witness withdrew.

Mr. *Austin* objected to the question being so put.

The *Chairman* stated the Committee would put it in another form.

The Witness recalled; Examined by the *Committee*.

6264. What do you conceive to be the value of the slated house of Doyle's as it now stands; the slated house with the land on which it stands?—Do you include the yard?

6265. And the yard?—Free from ground-rent, do you mean; the fee-simple of it?

6266. The fee-simple of it; you may state it in either way you please, either free from ground-rent or with the ground-rent?—Free from ground-rent I would not give more than 50*l.* or 60*l.* for it; I could make more of 50*l.* or 60*l.* than by buying houses in Carlow, in that part of Carlow.

6267. If you had 50*l.* or 60*l.* to employ, you could employ it to greater advantage than by purchasing this tenement as it stands?—Yes; I would not like to purchase a plot of ground in that neighbourhood at all.

6268. What do you conceive to be the value of the whole premises, slated house and thatched house together, in the same manner?—Why, for garden, thatched house and slated house, the concerns altogether, there might be persons found to give 60*l.* or 70*l.* for it; about 70*l.* for the entire.

6269. From 60*l.* to 70*l.*?—Yes.

6270. What is the ground-rent?—I am speaking now of the purchasing of the fee-simple, 70*l.*

6271. Assuming there was no ground-rent?—Yes, I would not give more for it; I could employ my money better in other parts of the town.

6272. Assuming there was no ground-rent, you would not give more than 70*l.* for the whole tenement, slated house and thatched house together, as it stands?—I would not.

6273. Do you include the garden?—I include the whole premises, garden, thatched house and slated house and all.

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6274. If I understand you rightly then, Witness, you value the slated house and yard at 50*l.* or 60*l.* without the garden; is that so; am I correct?—There might be persons found; I would not purchase it at all in that neighbourhood.

6275. I am asking you what you think the fair value?—I think the fair value of the entire premises would be about 70*l.*

6276. You think the value of the entire premises would be 70*l.*, the thatched house garden and all?—Yes.

6277. What do you think the value of the slated house and yard would be without the garden?—I think about 50*l.*

6278. What do you think the thatched house would be; the value of the thatched house would be?—I should think the value of the thatched house, if the garden was attached to it, it would be worth about—

6279. The thatched house by itself, without the garden?—I think it would be dear at 20*l.*; it would not be worth more.

6280. What do you think the value of the garden would be?—Why, the garden would not be worth much, after the purchasing of them two, for there is no approach to it.

6281. You valued, if I understood you rightly, the slated house at 50*l.*, the slated house and yard, without the garden, at 50*l.*?—Yes.

6282. You value the thatched house at 20*l.*?—I think it would be dear at 50*l.*

6283. Has the thatched house any garden attached to it?—I never valued property in my life in that manner; and it is rather puzzling a person to value them separately in that way.

6284. What do you value the garden at; is there any garden attached to the thatched house?—The garden belongs to the slated house; I was thinking, if you would ask me, to value the house and garden, because there is no approach to the garden, except through those houses.

6285. You said just now you valued the slated house, without the garden, at 50*l.*; your words were “at 50*l.* or 60*l.*?”—I would not give more, including the garden.

6286. More than 50*l.* or 60*l.*?—Nor would I be inclined to purchase in that neighbourhood at all.

6287. When you stated the value of 50*l.* or 60*l.*, you meant to include the slated house and the yard and the garden?—I did.

6288. Was that your meaning?—I did, because there is no approach to the garden whatever.

6289. If you split the premises, what portion would go for the house, and which for the garden?—The garden would be worth very little without the house.

6290. Supposing you had the house and yard, and you wanted the garden to it, what would you give to buy such a garden to it?—I would give about 8*l.* or 10*l.* for it.

6291. For the garden?—Yes.

6292. Supposing you had not the house and yard, what would you give?—I would not buy it at all.

6293. What would it fetch in the market if the garden was put up without any house or yard; what do you suppose it would fetch in the market?—The garden without the house?

6294. Yes.—The person that would live in the house should give an entrance; there would be no approach to it, and therefore no one would purchase it; at least I would not.

6295. It would be like buying land in the moon, would it not: what is the house built with, the slated house?—Stone and mortar.

6296. What is the thatched house built with; the same?—I cannot tell; but I am supposing it to be built with that.

6297. Is it plastered over, or is it rough cast?—It is rough cast; I can purchase at this moment in the central part of the town a property producing 15*l.* a-year for 120*l.*, in the central part of the town.

6298. Would there be a deduction from that for ground-rent?—That is the profit rent.

6299. And you can purchase it for 120*l.*?—Yes.

6300. Is School-lane a place in which you would lay out 50*l.* or 60*l.* in building?—I would not, unless on cabins.

6301. Others are of a different opinion, because they have laid their money out?—He was a labouring man, and it was convenient to his work.

6302. Then those who occupy the middle of Carlow occupy it for the convenience of trade, and those who occupy this neighbourhood of Carlow occupy it for the convenience of their labour?—Yes.

6303. And they each pay for their own convenience?—Yes.

[The Witness withdrew.]

Mr. George Wilson called in and sworn; Examined by Mr. Wrangham.

6304. WHERE do you reside?—In Graigue.

6305. Which is a portion of the borough of Carlow, as we understand?—It is in the borough of Carlow.

6306. I will ask you what occupation you follow in the town of Graigue, or whether any?—I am joined with my brother in a tan-yard, and I hold land also, and I feed cattle.

6307. Do you know School-lane, in the town of Carlow?—I do.

6308. Do you know Patrick Doyle's house?—I do.

6309. That is in School-lane?—It is.

6310. Did you ever examine that house with a view to setting a value upon it, Mr. Wilson?—I did.

6311. When was that?—It was in February 1838.

6312. Was that for the purpose of giving evidence before the Committee which should be appointed to try the merits of Mr. Baron Maule's election?—Yes, it was.

6313. Did you then make a minute and careful examination of Doyle's premises?—I did.

6314. I need hardly ask you whether for that purpose you did not go over the whole of them; whether you went over the concern?—I did.

6315. By the Committee.] Inside and outside?—Inside and outside.

6316. Now, can you tell us what the premises were which were occupied by Doyle himself, and also any adjoining premises that there might have been?—There was a small slated house.

6317. What does it consist of, the slated house?—It consists of two apartments below stairs, and two above stairs.

6318. Did you observe any shed behind it?—I did, attached to the back of the house.

6319. Was that slated or thatched?—Thatched.

6320. Now, can you tell us; I do not know whether you made a note at the time of the particulars of these premises, did you?—I did.

6321. Have you got it with you?—I have.

6322. You may look at it to refresh your memory?—I know without it.

6323. Can you tell us the dimensions of Doyle's house, this small slated house; can you tell us the width in front?—It is six yards long——

6324. Six yards wide; the front was six yards?—Yes, and five yards wide.

6325. Do you mean by five yards wide, five from front to rear?—Yes.

6326. By the Committee.] Is that outside or inside measure?—It was inside measure.

6327. There is a yard, I believe?—A very small one.

6328. Any edifice in the yard?—There is a very small pig-sty, with two pigs in it.

6329. Actually occupied by two pigs?—Yes.

6330. There is a garden too, we understand?—There is.

6331. Did you ascertain the dimensions of the garden?—I did.

6332. Be kind enough to give it us in acres?—There is no acres at all.

6333. Perhaps you will try it in yards?—I measured it and calculated it, and there is 11 perches; 11 square perches and 46 yards in it.

6334. An honourable Member wishes to know whether you are speaking of English or Irish measure?—Why, I measured with a yard I may say.

6335. By Mr. Austin.] A three-foot yard?—Yes, and calculated according to that.

6336. By the Committee.] Are the perches brought into English perches or Irish perches?—I calculated according to the regular way.

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6337. By the *Committee*.] How many yards to a perch?—I multiplied the length by the breadth, and divided 49 into it, and it produces that.

6338. By the *Committee*.] Forty-nine square yards to the perch?—Yes.

6339. Is it Irish or English measure?—I did not know there was any difference in the length of the yard.

6340. You say you measured the length by the breadth; can you tell us what the length was, and the breadth was, of the garden?—It was 45 yards long and 13 yards wide.

6341. Was it the same width all the way down; a regular shape was it?—It was.

6342. Have you had considerable experience in setting a value on houses and gardens of this description in the town of Carlow, and in different parts of it?—I cannot say I have had from practice.

6343. In what way, will you be kind enough to tell the Committee?—From knowing the localities of the town, and being living in it all my lifetime.

6344. Probably you are acquainted with the rents that property generally brings in the town and different parts of it?—I am.

6345. Judging from those circumstances, tell the Committee what you think a fair and reasonable rent for the house, the slated house you have been describing, and the shed behind it; the yard and the garden of which you have given the dimensions, not forgetting the pig-sty?—I think it would be a high rent, six guineas for it altogether.

6346. By a *Member*.] Does it include the thatched house?—(Mr. *Wrangham*.)—No.—(The *Witness*.)—The house occupied by Doyle?

6346*. Was there a thatched house adjoining to this; a slated house?—Yes, the other side of it; yes, the other side of Doyle's house.

6347. Is it adjoining it?—It is adjoining it.

6348. Did you learn from Doyle, on this occasion, whether that other house was his?—He told me it was.

6349. Did he tell you whether he had any other house in School-lane, besides that thatched house and the one he lived in?—He told me he had not.

6350. Is that thatched house as you enter into Doyle's house, looking with your face towards the house; is the thatched house to the right or to the left of you?—To the right.

6351. In going over these premises for the purpose of valuing them, did you examine carefully whether there was or was not any communication; internal communication in the way of a door between the two?—I did.

6352. Will you state to the Committee what the result of your examination was upon that point?—That there was no communication whatever between the two houses.

6353. Did Doyle tell you at the time any thing with respect to this other house; this thatched house?—He told me it was his; but he had it set to tenants; to yearly tenants.

6354. He told you it was his; but he had set it to yearly tenants?—Yes.

6355. By the *Committee*.] To yearly tenants?—Yes.

6356. Do you know whether Doyle was aware of the purpose for which you had come to his house?—I think he was aware.

6357. Did Doyle point out to you, or attempt to point out to you, any channel of communication; any mode of communication between the two?—He did not; he did not point out any thing to me; he told me distinctly that there was not any communication whatever.

6358. Now, you told us there was no communication, and Doyle told you there was none whatever; did you see any marks of there having been at some other time a door-way communication between the houses?—I did.

6359. Where was that?—It was in —; I saw it from Doyle's room or kitchen; the room he uses as a kitchen by the side of the fire-place.

6360. A door-way?—Like a door-way; it had the appearance in the wall, but it was stopped up.

6361. Let us understand each other; you say it had that appearance in the wall; do you mean there was a lintel and door-post?—O, no.

Mr. *Austin*.—Ask what there was.

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6362. What did you see; what was there?—I saw the place built up, but evidently there was a mark like a door-way; but it was stopped up.

6363. Tell us what that mark was; was it a mark of a door-way marked by door-posts, or a mark in the wall; a line or mark in the wall as where a door had been?—In the work.

6364. Did the part which appeared to have been at some time or other opened, bear to your eyes the same or a different appearance from the materials of the rest of the wall?—It had the same appearance as the rest of the wall.

6365. Do you remember what the wall was built of?—It was built of stone and mortar, the whole wall, the entire wall.

6366. Did the space there which appeared to have formerly been a door appear to you to be built of stone and mortar, or some other material?—It did.

6367. It appeared to be of stone and mortar?—Yes.

6368. By the *Committee*.] You saw the door-way?—Yes, the door-way.

6369. Did Doyle say any thing to you with respect to this door-way?—He did.

6370. You say this was in the kitchen?—Yes.

6371. That, I presume, is on the ground floor?—Yes.

6372. Is that the back room or the front room?—The front room.

6373. Did you examine the house up-stairs?—I did.

6374. Was there any communication, or marks of communication, between the two houses upon the upper story?—None whatever.

6375. You went into the yard, I presume?—I did.

6376. Was there any communication, or marks of communication, between the two yards?—No.

6377. What was the separation between the two?—A stone wall.

6378. A stone wall in the yard, separating the yard of the thatched house from the slated house?—Yes.

6379. Were there separate entrances to the two houses from the street; separate street-doors?—Yes.

6380. Did you examine the thatched house?—I never was in it.

6381. Did you look at it?—Yes, I looked at it outside; it is a mere thatched cabin.

6382. What was its size compared with the slated house; was it one story or two?—Only one.

6383. Was it as wide in the front as the slated house, or what?—I think it is about the same size.

6384. The same size as to width?—Yes; I think it is not so wide.

6385. Not so deep, we call it; not so far from front to rear?—Yes.

6386. What is the rental which you would set upon this thatched house, as a fair and reasonable rental?—I think it would be very dear at 3 *l.* 10 *s.* a year.

6387. You have told us that Doyle said to you, on this occasion, there was no communication whatever between the houses, and that the thatched house was set to yearly tenants; do you recollect his having at that time said to you any thing else with respect to these premises; if you do so, be kind enough to state it to the *Committee*?—He told me the reason why he took the second house, that thatched house, was, that formerly they were two distinct places, two distinct holdings, and he took it for the purpose of getting the garden belonging to that attached to his own.

6388. Did you observe whether, in point of fact, that object had been answered, and whether the garden in the rear of the thatched house had been thrown into the garden attached to the slated house?—It has that appearance; it is the breadth exactly of the two houses going down in that way.

6389. There is no garden to the thatched house?—None whatever.

6390. Now, this you have been speaking to was in February 1838?—It was.

6391. Have you had occasion to visit those premises since that time?—I did in the last month; in last April.

6392. On what day in April, do you remember?—The 24th of April.

6393. Was that with a view to inform yourself for the purpose of giving evidence on this petition?—It was.

6394. Did you find any alteration to have taken place in the slated house since you had visited it last year?—None whatever.

6395. Were there any marks of alteration about the door-way at all, or did it remain in the same state?—In the very same state.

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6396. Walled up?—Walled up.

6397. Were the premises generally in the same state as when you had seen them the year before?—I think it is exactly; I am certain it is.

6398. Would you set the same value you did on them the year before?—The very same value; no improvement whatever in respect of the premises.

6399. Did you find Doyle there on the present occasion?—I did.

6400. The 24th of April?—Yes.

6401. Had you any conversation with him; did he say any thing to you?—I had a conversation on the same subject.

6402. Will you state to the Committee what Doyle said, or whether he said any thing?—I asked him still had he that place set to the same tenants, and he said that he had; he said they were there for the last three years, I think he said.

6403. Did he say whether he himself had any connexion with the other house?—He said he had not; only the landlord.

6404. I believe you have visited the premises even later than the 24th of April?—I did so.

6405. When was that?—On the 12th of the present month.

6406. Did you find every thing in the same state you had before?—In the very same state.

Cross-examined by Mr. Austin.

6407. Were you in London at the time when the petition was to be tried against the election of Mr. Maule?—I was.

6408. Were you prepared on that occasion to give evidence against the vote of Doyle?—I was.

6409. Was the evidence you were prepared to give, evidence touching the value of these premises?—I did not know you asked me a question.

6410. I beg your pardon; was your evidence on that occasion to have been evidence about the value of the premises?—It was.

6411. Was it to prove that the premises, the slated and thatched house, were not of the value of 10*l*.?—It was to give the same evidence I give to-day.

6412. Was it to prove the slated and thatched house were not worth 10*l*.; attend to the question?—The thatched house behind Doyle's, the shed?

6413. The thatched house and the slated house; was it to prove the thatched house, and slated house, and garden and yard were not of the value of 10*l*.?—It was.

6414. You understand my question?—I do.

6415. To prove that they were not of the value of 10*l*.?—It was.

6416. Had you a note on that occasion?—I had.

6417. Is it the same note you had on this occasion?—Yes, sir.

6418. Give it me, will you?

Mr. Thesiger objected.

Mr. Austin stated, as the Witness had not referred to the note, he could not ask for it.

6419. You had the same note you have now?—The very same.

6420. The very same?—The very same.

6421. You have not altered the note since that time?—Never.

6422. Have you looked at that note this morning?—I did.

6423. Pretty well, did you not?—I do not think I did, only for one or two minutes.

6424. I will ask you this; were you examined before the Committee that sat on Mr. Maule's election?—No.

6425. You went home unexamined, did you?—Yes.

6426. Taking with you all that you brought?—I do not know what you mean.

6427. Be so kind as to tell me what, in your opinion, it would cost to build the slated house?—The slated house of Doyle?

6428. Yes.—I think I am certain I would build as good a house for 25*l*.

6429. By the Committee.] The slated house?—Yes.

6430. Will you throw in a pig-sty for that?—I would build that for 5*s*.

6431. And the lean-to; do you include that? I want to know all the buildings except the thatched house, the shed; I want all the buildings except the thatched house,

house, the slated house, shed and pig-sty?—I would build the entire for 25 guineas.

6432. How many stories does the house consist of?—It is only 12 feet to the eaves.

6433. How many stories?—Only two; the two stories.

6434. Do not you know what stories are in Ireland?—Yes.

6435. Here is a ground floor?—Yes.

6436. And there is an upper floor?—Yes.

6437. Four rooms?—Four rooms.

6438. And the shed, you call it?—Yes.

6439. Four rooms and the shed?—Yes.

6440. What would you build the thatched house for?—The thatched shed I would build for about 2*l*.

6441. What do you mean by the thatched shed?—The thing that is against the back of the house.

6442. There is another house you have been speaking of, the thatched house, as distinguished from the slated house, in which the tenants are, which is let; do you know where I mean?—I know.

6443. Tell the Committee what you would build that for?—I would build that for about eight guineas.

6444. What would you give for the ground plot on which the slated house stands; do you know what I mean?—Yes.

6445. What would you give for the ground plot on which the slated house stands?—I think it is worth—I would give about 3*l*.

6446. To buy it out and out?—Three pounds a year.

6447. You mean for ground-rent?—For ground-rent; that is the question you ask me.

6448. It comes to the same thing; I am clear in understanding you; the ground plot on which the slated house stands is worth 3*l*. a year for ground-rent?—The house and garden?

6449. How you vary! be so good as to tell me what you would give for the plot of ground; the site of the ground covered by the house itself on which the house stands?—I should think 1*l*.; 1*l*. a year; it is in the very back part of the town, and a bad part.

6450. One pound a year for the house plot; what would you give for the garden?—I would give, I suppose, 2*l*.

6451. Two pounds for the garden?—Yes.

6452. That is the way you make 3*l*. out for the whole?—Yes, I would value it altogether 3*l*.

6453. Will you tell me how many years' purchase of rent house property is worth in Carlow?—I do not exactly know there; that is a very bad part of the town.

6454. How many years' purchase is house property worth in Carlow generally?—Is that the house?—

6455. How many years' purchase; do you know any thing about the purchase and sale of houses in Carlow?—I do.

6456. At how many years' purchase do you buy and sell?—Ten years' purchase; it is according to the length of the lease, I should suppose.

6457. That will not do; I am speaking that you buy houses out and out; if I go and buy a house in the Strand, I shall buy it on an average of so many years' purchase; you understand?—Yes.

6458. If you buy land, if you buy a farm, you buy it at so many years' purchase, buying the fee-simple?—Yes.

6459. If you buy houses in Carlow in that way, tell the Committee at how many years' purchase do you usually buy such houses, or sell houses?—Ten years' purchase.

6460. A house, for instance, that would let for 10*l*. a year would be worth 100*l*. to buy out and out, would it; that is 10 years' purchase?—According to that it would.

6461. Is that the way?—I do not think it would.

6462. Not so much?—No, I think not.

6463. Not so much; you gave me rather too high a figure; it is not 10 years' purchase; understand me, we are now about selling houses out and out; about the selling the fee-simple; you understand?—Yes, I do.

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6464. How many years' purchase in Carlow do you calculate as the value in the market?—We calculate according to the standing of the house.

6465. How many years' purchase; that will depend on the rent, and the rent will depend on the situation; is it 10 years' purchase or not?—It is.

6466. Then just understand me; I want to make it clear; do you mean by that, if a house in Carlow let for 10*l.* a year, the value to purchase that house or to sell that house would be 100*l.*?—It would.

6467. Did you converse with Doyle on all the occasions when you went there?—I did.

6468. Did you tell him you were coming to look for evidence to destroy his vote?—I did not.

6469. Did he know you were coming to peer about for the purpose of destroying his vote?—He did; he knew I was coming to get to see if the place was in the same state as before.

6470. He might not know you; you might vote for Mr. Maule, for aught I know; did you vote for Mr. Maule?—I did not.

6471. Did he know you did not vote for Mr. Maule?—I cannot say; I think he knows I did not.

6472. Did you not vote for Mr. Maule?—I did not.

6473. Who did you vote for?—I voted for Mr. Bruen.

6474. He was the other candidate, was he?—He was.

6475. And this voter knew that, you think?—I do; I am certain he did.

6476. Did you talk to all the people whose houses you went to visit?—Talk to them?

6477. Yes, talk! that is, opening your mouth and uttering words?—I did.

6478. And they opened their mouths and uttered words in reply, did they?—Yes.

6479. Did you try to direct their attention to the circumstances of their votes?—I asked them questions relative to their house and all that.

6480. Questions that would be useful to you to give in evidence here?—Just so.

6481. When you came to break their votes?—I did not ask Doyle at that time.

6482. You did ask some of the others; have you had conversation with many persons who are voters in Carlow?—I had.

6483. A great many, have you?—Yes, on both sides.

6484. I dare say! I am now asking particularly as to those gentlemen who voted for the candidate against whom you voted, for Mr. Maule or for Mr. Gisborne?—I had conversations.

6485. As touching their votes, about their right to vote?—No, not about their right to vote.

6486. About the value of their premises; the situation of their premises and what not?—I had not; not about the value of the premises.

6487. It was something about their premises, was it not; was not your conversation about their premises?—Some it was, and some it was not.

6488. It varied with the state of the case, did it not?—It did.

6489. Sometimes with respect to the nature of the value of the houses, or the rent they paid; was not that so?—It was.

6490. According as the objection might be?—I heard of no objection.

6491. How came you to go to these particular people; how came you to go to Doyle?—Because I suspected he had not value.

6492. Where you directed by any body to go there?—Not one.

6493. Was it out of your own mere notion?—It was.

6494. Did you go alone?—I did not.

6495. Whom did you go with?—I went with a Mr. Malcolmson.

6496. Did Malcolmson go of his own mere notion?—He and I went together; we agreed to go together.

6497. It was at the instance of both of you?—It was.

6498. It occurred to you both this man had not a value, and you would go?—Certainly.

6499. Whom were you employed by to go?—I was employed by myself.

6500. Paid by any one?—I am to be paid by no person.

6501. It is out of devotion to the cause, is it?—I think so; I suspected Doyle.

6502. Did you go there out of mere devotion to the cause or for payment?—did.

6503. For what?—For good wishes to the cause.

6504. And

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6504. And you mean to tell the Committee you do not expect to be paid?—
I say, I am not to be paid.

6505. Did you hand in a list of the persons whose houses you had been in
specting?—I did.

6506. To whom?—Have I a list?

6507. Yes.—I have the list myself.

6508. Did you hand it to any body?—Never.

6509. Did you never tell any body the result of your inquiry?—I did.

6510. Whom?—I suppose I told my brother, and I told several others.

6511. Who is your brother?—He is Mr. James Wilson, of Carlow.

6512. What is he?—He keeps a tan-yard.

6513. Did you tell any one else; did you tell any agent, or any person em-
ployed to collect evidence for the petitioner, or for the sitting Member?—I told
Mr. Butler that I inspected that house.

6514. Mr. Butler, the agent?—I do not know what he is.

6515. Is he an attorney?—He is an attorney.

6516. Is it the Mr. Butler we have seen here?—It is.

6517. Did you not give an account of the number of houses you had been to
to Mr. Butler?—I did not.

6518. Do you mean to say your evidence was never taken down in writing?—
He took it down; he took it down from my book; he asked me the question, and
I told him.

6519. Did you give an account of the evidence you were prepared to give in
each case to Mr. Butler?—I did not.

6520. Did he take it down in any way?—He took down this case.

6521. In which case?—This very case.

6522. When did he take down this case?—The day before yesterday.

6523. You came over with a number of cases; with evidence as to a number
of cases?—I did.

6524. You do now?—Yes.

6525. You are objected to yourself, are you not?—I do not know.

Re-examined by Mr. *Wrangham*.

6526. You say you were not examined before the Committee last year, that sat
to try Mr. Baron Maule's election?—I was not examined.

6527. Do you know whether any body was?—I did not hear of any.

6528. Do you know whether any were examined as to value?—I think there
was not.

6529. Do not you know the Committee came to a resolution, the Irish registry
was not to be opened, and then that the petitioner immediately resigned without
calling any witnesses?—I did hear that.

6530. My friend has asked you as to the rent you would allow for the garden;
you say 2*l.* for the garden; is that 2*l.* for the garden as in connexion with the
house?—As in connexion with the house.

6531. My friend has asked you a good deal as to the number of years' pur-
chase house property is worth in Carlow; do you know whether that rate varies
according to the different nature of the house property; whether it be slated house
property, or cottage property, or cabin property?—It varies very much.

6532. Do you happen to know how many years' purchase cabin property, for
instance, brings?—It is a great deal less of course than any other.

6533. Will you tell the Committee why that is; that cabin property brings a
less number of years' purchase?—Because the rent is so badly paid.

6534. They want thatching too, occasionally?—Generally every year.

6535. Does the expense of thatching bear a very considerable proportion to
the expense of building a cabin?—It does.

6536. Can you tell us, now, supposing a cabin would cost 3*l.* or 4*l.* building,
how much would it cost to thatch it?—It would cost about 3*l.* thatching and
roofing.

6537. In point of fact, I understand you to tell the Committee that the number
of years' purchase that a house will bring in the market for the fee-simple,
depends on the nature of the house as much as on other circumstances?—De-
cidedly so.

6538. My friend asked you, whether you told Doyle that you were coming

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here, and I think you said, you did not tell him; my friend then asked you, whether you believed he knew it, and you said, you believed Doyle was aware of the object of your visit to his premises?—I am sure he was.

6539. Could he be ignorant of the fact of your having been brought over here the year previous?—He knew it well.

6540. And the purpose for which you came?—He did.

6541. Do I understand you to say, notwithstanding that knowledge, he made to you the statements which you have repeated to the Committee?—He did.

6542. You have stated the cost of building the slated house; have you been in the habit of building houses of this description, or at least of paying the cost of building them?—I cannot say I have myself; but I know others that have.

6543. Is it from those circumstances, then, you spoke of what you think you could build this house for?—It is; I have seen contracts made, and contractors that I know.

6544. Can you tell us this; is most of the property in Carlow let upon lease, with the ground or head rent reserved to the head landlord?—I think it is principally upon lease.

6545. In that way, so that it passes into other hands, always subject to the head rent to the landlord?—Yes; my brother is agent to the lord of the manor, and that is the reason I know it.

Examined by the Committee.

6546. What is the name of the tenant of the thatched house; do you know who resides in the thatched house?—People by the name of Conners and Young.

6547. There are two tenants?—That is what Doyle told me.

6548. Did you go into the thatched house yourself?—I did not.

6549. Are they two single men who live there?—I think the person by the name of Young is a woman.

6550. What is Conner?—A man.

6551. And they live together in this place?—I think they do; he told me they did.

6552. I think you said, in answer to a question from the counsel, that you and Mr. Malcolmson went together to view the premises?—We did.

6553. Did you suggest it to Mr. Malcolmson, or did Mr. Malcolmson suggest it to you?—I am not certain of that; whether it was I suggested it to him or he to me.

6554. Where were you when you first agreed to go?—At Mr. Malcolmson's house.

6555. What induced you to go and look at these premises?—Because I suspected that he had not value.

6556. Was it only casually, or did you know that there was a petition presented against Mr. Maule; it was last year you went?—Yes.

6557. And against Mr. Gisborne too; you went this year too?—Yes.

6558. You know there was a petition against the return?—I did.

6559. And therefore you went and looked at it?—Yes.

6560. Thinking you might be called over as a witness?—Yes, sir.

6561. Who ordered you to come here as a witness; who summoned you?—I was not summoned at all.

6562. How did you think of coming to London; because you heard the case was coming on?—Indeed, I heard the case was coming on.

6563. By Mr. Wrangham.] Did you come in consequence of being applied to by Mr. Bate, the agent of the sitting Member?—

6564. What induced you to come over to London?—To give evidence in this case.

6565. At whose desire did you come; who applied to you, or requested you to come over?—Captain Carey.

6566. Who is Captain Carey?—He is a gentleman of Carlow; he asked me would I go, and I said I would.

6567. Is Captain Carey one of the petitioners; if Captain Carey had not asked you to come over, you would not have come over, I suppose?—I would if I had been asked.

6568. Unless you had been asked you would not have come over?—No.

6569. Captain Carey applied to you and asked you if you had any objection to come over?—Yes.

6570. Is Captain Carey a friend of Mr. Bruen's?—He is.

6571. Is he one of the petitioners in defence of this seat?—He is not; I did not hear he was.

6572. Did Captain Carey tell you who would defray your expenses?—He did not.

Mr. *Thesiger* stated Captain Carey was one of the Petitioners.

6573. Did you ever hear from Doyle what Conner and Young paid; the rent they paid?—He told me that they paid 5*l.* 4*s.* a year, meaning the two people.

6574. Had you any conversation with Captain Carey about going and looking at those premises before you had done so?—I saw them long before he spoke to me at all.

6575. Do you know whether Conner and Young paid their rent by the week, month or year, or how they paid it?—I cannot tell exactly how they paid it; I know Doyle said himself that he took it as he got it; took the rent as he got it; he said he was a poor man and could not go without the rent long, and he took it as he got it.

6576. Were they monthly tenants or yearly tenants, or what?—He told me they were yearly tenants.

[The Witness withdrew.]

Mr. *James Young* called in and sworn; Examined by Mr. *Wrangham*.

6577. WERE you examined here the other day?—I was.

6578. You are deputy governor or turnkey of the gaol?—Deputy governor.

6579. Are you deputy governor?—I am.

6580. You told us, when you were here last, you had considerable house property of your own in Carlow?—Yes.

6581. Do you know Doyle, Patrick Doyle, of School-lane?—I do.

6582. Do you know his premises?—I do.

6583. We have heard something of some limekilns close by; are you the Mr. Young to whom they belong?—I am.

6584. They are close adjoining, are they not?—Yes, the next plot of ground next to his.

6585. Have you ever had any dealings with Doyle as to the purchase of his interest in this place?—He offered it to me for sale.

6586. How long is that ago?—Between six and eight months ago.

6587. What was it he offered you to sell, will you tell me; we have heard both of a slated house and a thatched house and garden, and so forth; was it the whole or only part of that he offered you to sell?—The whole.

6588. The whole of his interest in the whole?—Yes.

6589. What did he want for it?—He asked 50*l.* for it.

6590. Did you give it?—No.

6591. Why not?—I did not think it worth it.

6592. By the *Committee*.] The witness means to include the garden too?—Yes.

6593. By the *Committee*.] The thatched house, slated house and garden?—The whole, the entire.

6594. How much too much, do you think, Mr. Young; what do you think it was worth; I do not want to take you in for a bid?—I think it was worth about 30*l.* or 35*l.*

6595. By the *Committee*.] Was the offer made exclusive of the ground-rent; I will try and put it as plainly as I can; when you were asked to buy at 50*l.*, was that to be subject to the payment of ground-rent to the head landlord?—Certainly.

6596. What was the ground-rent you were to be subject to?—I think he told me it was 6*l.* for the entire plot.

6597. Six pounds a year for the entire plot?—Yes; I think that is what he told me.

6598. You thought his interest was worth 35*l.* beyond that?—Subject to that rent.

6599. Do you know how these buildings are inhabited, Mr. Young; the slated house and the thatched house; which does Doyle live in?—Doyle lives in the slated house.

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6600. Do you know who lives in the thatched house?—I know them well by eyesight, but I do not know their names.

6601. You do not know whether you have a namesake living there?—I believe there is; I will not swear it; I believe the mother of a namesake of mine is living in it.

6602. Probably she would be a namesake too?—I think she is.

6603. Do you know the houses well; have you been in them?—I have been in them.

6604. In both have you?—In both.

6605. Can you tell the Committee whether there is any internal communication whatever between the two houses?—Certainly not.

6606. You have told us what you would give for these; can you tell us what is the value, in your judgment, of the whole of the holding, taking both houses and garden and so on to set; to a tenant from year to year; taking both together?—I think 10*l.* for the entire would be a high rent; I think it would be a good rent to be well set for that.

6607. By the *Committee*.] Always subject to the ground-rent of 6*l.*?—Yes.

6608. Who would have to pay the ground-rent in that case?—The tenant, whoever it should be; including the ground-rent 10*l.*

6609. You mean to say he would have to pay 10*l.*, including the ground-rent?—Yes.

6610. You do not mean to say he is to pay 16*l.*?—No.

6611. Ten pounds for the whole?—Yes.

6612. What portion of that 10*l.* do you think the thatched house would set at, and what portion the slated house, including the whole of the garden?—The slated house, including the whole of the garden, I think would be worth between 6*l.* and 7*l.*; 7*l.* would be very high for it; I do not think any body would pay it.

6613. And then the rest for the thatched house?—Yes, about 3*l.* 10*s.*; the concern next to it is much more valuable, and I have it set at 8*l.*

6614. Much more valuable than the slated house and garden?—It is.

6615. How much more valuable do you think it is?—There is a lime-kiln upon it.

6616. By Mr. *Austin*.] Is the limekiln yours?—Yes.

6617. How much more do you think it is worth than this; the one you set at 8*l.*; how much more is it worth than Doyle's slated house and garden?—It was set at 24*l.* a year.

6618. If you had Doyle's slated house and garden, and somebody else had your house, and an exchange was proposed, how much additional rent would you give to boot, changing the two houses; how much more rent would you give for your house than for Doyle's; 1*l.* a year, 2*l.* a year, 3*l.* a year or better?—I think it is 4*l.* or 5*l.* a year better than Doyle's.

Cross-examined by Mr. *Austin*.

6619. You say the concern next is set at 8*l.*?—Yes.

6620. Is that the limekiln we have heard of?—Yes, it is.

6621. Do you know of Mr. Dowling ever having been to look at your limekiln?—Not of my knowledge, I do not.

6622. In whose occupation is that limekiln?—A man of the name of Young.

6623. What sort of a house is this limekiln house; two stories?—No, one.

6624. How many rooms are there in the house?—One.

6625. A more valuable house?—And there is a gateway, slated.

6626. What is a gateway?—An entrance.

6627. Do people sleep in the gateway?—No.

6628. Do you use it for any purpose other than getting into the one room?—No.

6629. The house consists of a single room; is that it?—Yes.

6630. Is there a chimney there?—Yes.

6631. And a window?—Yes.

6632. How many panes of glass in it?—I do not know, indeed.

6633. What is it built of?—Lime and stone.

6634. And what is it roofed with?—Slates and timber.

6635. How do you mean slates and timber; are the slates laid on the timber?—Yes, the slates are laid on the timber.

6636. That

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6636. That is the roofing?—Yes.
6637. Any yard to it?—There is.
6638. How big?—I cannot exactly say.
6639. Is it not your own property?—Yes; but I cannot exactly say; the yard and garden is entirely one.
6640. How much of yard and garden is there?—I cannot exactly say; it is larger than Doyle's.
6641. It is larger than Doyle's?—Yes.
6642. What is the size of Doyle's?—I cannot exactly say; I never measured it.
6643. Is there any thing else on this property of yours that sets at 8*l.* a year?—A limekiln.
6644. What is a limekiln?—For burning lime.
6645. How is it made or built?—It is built of free-stone and brick and mortar.
6646. What would it cost to build that limekiln?—Indeed, I should suppose it would cost 20*l.*
6647. Do you mean to swear that?—Yes, I do.
6648. How much would it cost to build the single-roomed house?—I think it would cost about 16*l.* or 17*l.* to build it.
6649. And 20*l.* to build the limekiln?—Yes.
6650. You say this was formerly set at 24*l.*?—Yes.
6651. Was there any thing else on it then?—Nothing, but what is on it at present.
6652. Was it in better repair then?—No, nor as good.
6653. Since you have put it into repair, you have raised your rent from 24*l.* to 8*l.*?—Lowered it.
6654. When did you make that alteration in the rent, Mr. Young?—Last March was a twelvemonth.
6655. Did you get your rent for the year preceding last March twelvemonth?—Indeed, very badly.
6656. Did you get it paid?—Part of it and part not.
6657. At what rate did you get it paid?—By the week.
6658. At the rate of 24*l.* for the year?—Ten shillings a week.
6659. Is that the same thing?—Exactly the same thing.
6660. Did you get the rent paid for the year before that?—When I purchased it, it was represented to me as worth so much, or I would not have bought it at all; the tenant in possession was paying 10*s.* a week, and after I got it I found it was merely a got-up thing for the purpose of—
6661. Doing you?—Yes, exactly; after a time he paid me once; at the last he run away with 5*l.* altogether; and then I set it at what I thought its value, about 8*l.*, and I have been paid that regularly.
6662. Is Young, who has the limekiln now, a relation of yours?—None whatever.
6663. How do you let it to him?—By the year.
6664. Not by the week?—No.
6665. Twenty-four pounds by the week; 8*l.* by the year; is that so?—It is by the year he pays me.
6666. For how many years have you let?—I have given him a promise of the lease of it.
6667. For how many years?—Twenty-three or 24 years.
6668. Is it 8*l.* a year for 24 years; is that the mode you let this place now?—Yes.
6669. The 24*l.* was by the week?—Yes.
6670. The 8*l.* a year is on a long lease of 24 years or 23 years?—The same.
6671. What are the covenants in the lease; what are they to be?—It is not made yet.
6672. You have agreed; are you to repair?—No, he is to repair.
6673. Is he to keep the premises in good repair?—He is.
6674. Good and tenantable repair, is he?—He is.
6675. Is he to lay out any thing on them?—He did promise to lay out something.
6676. What did he promise to lay out?—He promised to build another kiln upon it.
6677. Will that other kiln cost 20*l.* more?—I think it will.

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6678. Perhaps he paid a fine; did he pay a premium or a fine, or whatever you call the thing in your country?—He did.

6679. What premium or fine did he pay?—Five pounds.

6680. My imagination will not suggest any thing else; is there anything else for your benefit in that agreement?—None whatever.

6681. You have exhausted the whole thing, have you?—Yes.

6682. Are not you to have a little lime, or some other little thing; no other benefit out of the occupation?—No.

6683. Is he not to supply you with lime?—He does, but I always pay him for it.

6684. Have you undertaken to buy your lime of him?—No.

6685. He is not to sell it to you at a given price?—No; I take as much from others as from him, and more.

6686. Perhaps he may pay another fine?—No, he is to pay no more.

6687. Is he not to be at liberty to run on paying another fine?—No.

6688. No term of renewal in the lease?—It is the only time I have it for myself.

6689. You have assigned all your interest, subject to these covenants?—I have reserved two years.

6690. What is the value of the plot on which this kiln stands?—Without any—

6691. Without any of these fine things; the value of the ground, you know?—It would be worth about 15*s.* or 16*s.*

6692. What, per annum?—Yes.

6693. You mean the ground on which the house is built; the one-roomed house is built?—Yes.

6694. The kiln and the garden?—Yes.

6695. Fifteen shillings a year?—Yes.

6696. That is the ground-rent, is it?—Yes.

6697. I really do not wish to mislead you; that never can be; I will give you an opportunity of setting yourself right; do you mean to say the ground-rent of the entire plot on which Young's premises stands, the entire plot, is only 15*s.* a year?—I do not think it could be worth more.

6698. The ground-rent of the entire plot?—No.

6699. Not worth more than that?—I do not think it is.

6700. What would be the value of that plot to purchase out and out, without the buildings upon it; suppose the buildings were all swept off, what would be the value of the plot?—The fee-simple?

6701. We are talking of fee-simple?—I think about 6*l.* or 7*l.* would be the value of it; it is a place that very few would like to lay out any money upon.

6702. Six or seven pounds would be the outside?—Yes.

6703. What, in your opinion, would be the value of the fee-simple of the entire plot on which the slated house stands; not the thatched house; the slated house in the occupation of Doyle; the site of the slated house and garden; the whole plot on which the slated house, just as you have been giving it, of Young's?—It would be worth about the same thing.

6704. About 15*s.* a year?—Yes.

6705. How much would you give for the fee?—About the same.

6706. That would be a high price, would it not?—Yes.

6707. Fifteen shillings a year would be a proper ground-rent reserved?—Yes.

6708. Do you happen to know they have reserved 3*l.*?—Yes, I do; but the house was on it when they got it.

6709. I am speaking now of the ground-rent?—Yes.

6710. The house was on it when it was reserved, was it?—Yes.

6711. Who is the landlord, do you know?—A Mr. Whitwick; I know him very well.

6712. Do you know who built the house that Doyle occupies?—I heard himself built it; I do not know.

6713. Doyle built it himself; do you know that?—No.

6714. What is the value of the house alone, without the plot of ground?—Doyle's house?

6715. Yes; the slated house, without the plot of ground?—O, I think about 30*l.*

6716. That

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6716. That is for the purchase?—Yes.

6717. For the fee-simple; for the fee-simple of it; what do you mean for the 30 *l.*; when you tell me 30 *l.*, what do you mean by it?—I meant the whole of it.

6718. What do you mean by the whole?—The whole of Doyle's house and garden.

6719. I asked as distinctly as words could convey the meaning, what is the value of Doyle's house without the garden; Doyle's slated house?—I think about 20 *l.*

6720. That is leaving 10 *l.* for the plot?—Yes.

6721. You told me just now 7 *l.* would be a high price for it; according to you it ought only to be 27 *l.* instead of 30 *l.*?—That is the entire.

6722. You think the house would be worth about 20 *l.*, do you?—Yes.

6723. What would it be worth by the year?—Six pounds ten shillings, or seven pounds.

6724. Separate it from the ground-rent?—I think about 4 *l.*; I have a better house set at 4 *l.*, house and garden.

6725. Is that Young's house?—No.

6726. That is in some other place?—Yes, in a better situation.

6727. What is the value of the thatched cottage?—Three pounds ten shillings would be a high rent for it.

6728. The cottage without the plot, you know?—That is what I mean.

6729. Three pounds ten shillings?—Yes.

6730. Do you mean that per annum, or might you build it for that?—You might build it for about 6 *l.*

6731. The 3 *l.* 10 *s.* is by the year to let?—Yes.

6732. Six pounds to build, and to let at 3 *l.* 10 *s.*; what is the plot of ground worth on which it stands; the thatched cottage, the little thatched cottage; what is the plot of ground worth?—Indeed, I think the ground-rent would be very moderate.

6733. The 3 *l.* ground-rent moderate; what is the value of the plot on which it stands; the site, if you understand that better?—I understand it perfectly well.

6734. The site?—About 10 *s.*; it is very small.

6735. By Mr. *Wrangham*.] The annual ground-rent?—Yes, the annual ground-rent.

6736. What would be the value of the plot to buy out and out?—The thatched cottage?

6737. No; of the plot on which the thatched cottage stands?—I suppose about 7 *l.* or 8 *l.* would be the utmost that could be got for it.

6738. Did you take a note of this when you went to examine this cottage?—I did not.

6739. Who did?—I do not know.

6740. Whom did you go with?—I went with no person.

6741. When did you go to look at it?—I never went to look at it for the purpose of being examined here.

6742. You never went to look at it at all?—I have seen it 50 or 60 times.

6743. Did you ever go to look at it for the purpose of ascertaining its value?—I did not.

6744. Did you come over here to give evidence about this cottage, among other things?—I did not.

6745. When were you asked what you knew about this cottage?—This morning.

6746. Was that the first time you heard about it?—It was.

6747. Be so good as to tell me who asked you what you knew, or if you knew any thing about it?—I think it was Mr. Butler, the attorney.

6748. Was that in the lobby?—No, in the room next here.

6749. Did not Butler tell you Doyle's case was on?—He asked me, did I know any thing of Doyle's case.

6750. Was that after the case was called on?—It was.

6751. What did he say to you next?—I said I did; I said I knew the house.

6752. And then you proceeded to give him information about the house?—Exactly what I tell you.

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6753. Now, how long ago was it when he asked you this question ; an hour or an hour and a half?—It was about half-past 11 I came.

6754. He came up and told you then?—Yes, he asked me.

6755. Did he tell you what Dowling's opinion was?—He did not.

6756. Or any of the others'?—No, on the contrary, he said he would not tell me.

6757. And in fact you do not know what they said?—I do not.

Re-examined by Mr. *Wrangham*:

6758. You have been asked about the ground-rent of these premises ; I think you said that the fair ground-rent would be about 15*s.* a year, for the ground-rent of Doyle's slated house, that part?—Yes.

6759. And 10*s.* for the thatched part?—Yes.

6760. I understood you, my friend asked you whether you were aware the ground-rent actually reserved was 3*l.* a year ; are you aware of that or not?—Of the entire house ; the house was built—

6761. Is that the ground-rent reserved now?—Yes.

6762. Is that for the two houses or the one?—I do not know what the ground-rent is.

6763-4. With respect to this thatched house, how many years' purchase should you say a house of that description is worth ; does it come under the description of cabin property you spoke of?—Indeed it does.

6765. How many years' purchase, generally speaking, is property of that kind considered?—Indeed, it is considered very cheap, about three years'.

6766. About three years' purchase?—Yes.

6767. I suppose the less or more would depend on the state of repair in which the cabin or thatch was?—It would, certainly.

6768. What state of repair is this thatched house in, do you know?—I cannot say exactly ; it appears to me to be able to keep out the water ; it seems to be thatched about two or three years.

6769. You think that the value of the site of this thatched cottage would be about 7*l.*, to buy it out and out?—Yes.

6770. Now, what would be the value of the cottage itself, without the site ; the cottage itself, subject to a reasonable ground-rent for the site?—It would be worth very little ; only about 4*l.*

6771. And I think you said the house itself would set to a tenant, including the site, for about 3*l.* 10*s.* a year?—Yes, 3*l.* to 3*l.* 10*s.*

6772. Now, my friend has asked you as to the value of the slated house, without the garden ; your answer was about 20*l.*?—Yes.

6773. Then my friend asked you what it would let for, the slated house without the plot, and your answer was 4*l.*?—Yes.

6774. What did you understand my friend to mean when he asked you what the slated house would let for, without the plot?—Without the garden?

6775. Four pounds a year without the garden?—Yes.

6776. And about 6*l.* a year with the garden?—Yes.

6777. As to the value of your holding, that is adjoining to this Doyle's ; is the principal value of that holding in the limekiln, and in the means of getting lime there?—The limekiln and house ; it is.

6778. The plot, without either house or limekiln, would be worth very little?—Very little.

6779. You stated it was let, or it was represented to you as being let, at 10*s.* a week?—Yes.

6780. And you let it at 8*l.* a year?—Yes.

6781. Now, will you tell the Committee what is the reason which has induced you to let it at 8*l.* a year, instead of the higher rent which it was represented to you to be capable of bearing?—I found it was a fictitious value that was placed upon it, and it was not really worth it.

6782. You agreed to let it for 23 or 24 years?—Yes.

6783. Pray, when you were about purchasing Doyle's interest in these premises, what was the length of the lease that he had to dispose of?—I think it was about the same time, I will not be positive as to that ; he told me he had a good long lease ; I do not recollect exactly the term of years.

Examined by Mr. *Austin*.

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6784. Your tenant of this property is to have it under lease, you say?—Yes.
6785. Who is to pay for the expense of the lease?—He is, himself.
6786. Can you tell me what the expense of the lease will be?—One pound.
6787. What is the stamp, 10s.?—Ten shillings each.
6788. Do attornies charge nothing in Ireland?—No, I promised to do it for him myself.
6789. Are you an attorney?—No.
6790. You are to do it yourself?—Yes, that was the express understanding between us.

Examined by the *Committee*.

6791. What would your limekiln, with the plot of ground about it, let for if it were out of lease now?—I should suppose it would let for about 5*l.* or 6*l.*
6792. What would your limekiln, with the ground about it, let for if it were now out of lease?—About 6*l.*
6793. I thought you said it let at present for 8*l.* a year?—Yes.
6794. You think it is too dear now?—No, I do not think so; a tenant taking a lease for it must have it something under.
6795. If the lease was out, and you let it by the year to a yearly tenant, what would that yearly tenant pay you?—I would get 8*l.* a year for it.
6796. Do you not think you might get more than 8*l.*?—I do not.
6797. I understood you he paid 5*l.* premium?—Yes.
6798. You think you would not get more than 8*l.*?—I might be promised more, but I should not get it.
6799. What do you think the fair rent?—I think I have let it at a fair rent.
6800. To a yearly tenant?—Yes, I could not get more for it.
6801. Although the man has paid you 5*l.*?—Yes, I gave him four months to pay it.
6802. Has he paid it you yet?—He has; he has paid it by instalments.
6803. It has been paid?—Yes.
6804. Do you pay any ground-rent for this plot?—I do.
6805. How much?—Two pounds nineteen shillings.
6806. Is that paid by you or by the tenants?—By me; it was 3*l.* 4*s.*, Irish, when the lease was made; it is now about 2*l.* 19*s.*
6807. What quantity of ground does the limekiln cover?—I cannot say exactly.
6808. Do not you know an acre, or half an acre?—It is neither an acre, nor half an acre; I suppose about six or eight perches; it is, as near as I can judge; it is between six and eight perches; I think that is about the quantity of land.
6809. Does the tenant make much lime there?—He does.
6810. Will not he have worked out the ground long before the lease is out?—He does not work the ground.
6811. He buys the stone and materials for burning?—Yes; he does sometimes quarry in it.
6812. Did he not try to quarry, and failed; does the tenant quarry now?—No; I believe he does not.
6813. He buys the stone?—He does; he quarried three months last summer.
6814. He buys stone to burn?—Yes.

[The Witness withdrew.]

Mr. *Wrangham* stated that was the case against the vote, and inquired whether Mr. *Austin* called witnesses.

Mr. *Austin* stated he wished to know whether the Committee desired it?

Mr. *Wrangham* objected to any such question being put to the Committee.

Mr. *Austin* stated he would not answer the question whether he called witnesses or not, unless the other side agreed to exchange lists, which it was always customary to do.

The *Chairman* stated that that was not the question at present before the Committee; there had been an opportunity of raising that point, and it had not been done. The usual course had been for the Counsel, at the

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conclusion of a case against a vote, to state whether he called witnesses or not.

Mr. *Austin* stated it was for the Committee to say whether the case should proceed or not.

The *Chairman* stated the case must proceed.

Mr. *Austin* stated he should call witnesses in support of the vote.

CASE IN SUPPORT OF THE VOTE.

Garret Roach called in and sworn; Examined by Mr. *Austin*.

Garret Roach.

6815. DO you know Doyle, of School-lane?—I do.
 6816. Do you know the house and garden that he has in School-lane?—I do.
 6817. What state is his garden in?—A very good garden.
 6818. And in a good state?—Yes.
 6819. Have you seen it in the spring and summer time?—I have.
 6820. As well as in February, when the snow was upon it?—Yes; I have tilled it myself.
 6821. Have you worked on the garden for him or for yourself?—I am a labouring man.
 6822. And you have worked upon it for him?—Any man that comes to call for me; he came to call on me and I did it.
 6823. You say it is a good garden?—It is a very good garden.
 6824. And in a good state of cultivation?—Very good.
 6825. Do you know the house he lives in?—I do.
 6826. There is another house thatched next door, is there not; a thatched house?—There is; but I know nothing about the thatched house.
 6827. He does not live in the thatched house?—No; he does not.
 6828. Is the house he lives in a slated one?—It is.
 6829. Have you been into the thatched house?—No, never.
 6830. You do not know that house?—No.
 6831. Have you been into the other; the slated house?—I have been in his own house.
 6832. How long have you known Doyle?—I have known him these three or four years.
 6833. Have you been in the habit of working for him during that time?—Any time he does call on me I do go to him to work.
 6834. Have you been in the habit of doing so?—Yes.
 6835. For three or four years?—Yes.
 6836. During that time have you been in his house?—Very often; I have been in his house very often.
 6837. During that time, have you?—Yes.
 6838. You say you have never been in the thatched house?—No.
 6839. Is there any communication between the slated house and the thatched house?—No, sir.
 6840. There is none that you know of?—No, sir.
 6841. Do you know which part of the slated house is next to the thatched house; is it the kitchen or parlour, or what do you call it?—Why, then, I do not rightly know.
 6842. Do you know on which side of the house the thatched house stands as you go into it?—To the best of my knowledge, it is on this side; on the left as I go in; I think it is to the left as you go in.
 6843. Do you mean as you go into Doyle's house, or into the thatched house; which house do you mean, as you go into the thatched house or go into the other?—I never was in the thatched house.
 6844. Are there two thatched houses there?—I cannot tell.
 6845. Do you know the parlour; is that the way you distinguish them; is there a parlour and kitchen in the slated house?—There is.
 6846. Below?—Yes.
 6847. Is there any communication either from the parlour or the kitchen with the thatched house?—Not a bit.
 6848. Has there ever been in your time?—No, sir.
 6849. How often may you have been in those two rooms?—Why, Mr. Lawlor used

used to send me down at different times to go to Pat Doyle to go to work at the college.

6850. You do not know the people who live in the thatched house?—I do not.

6851. Have you ever known them during the time you have been working at Doyle's?—No.

6852. They have always been different people, have they not; did you ever know any of them?—I did not.

Cross-examined by Mr. *Wrangham*.

6853. And so you are a labourer, are you?—Yes.

6854. Pray what is Doyle?—Why, he lives out there in School-lane, and he is employed in the college.

6855. What is his employment; what is he?—He is minding cattle in it, and feeding cattle in it.

6856. What college is it; is it a cow college?—The cattle is out in the farm-yard.

6857. What is the college?—Why, you are not such a fool but you know what a college is.

6858. You see I had my education at another college than Carlow College; I do not know what it is?—I am in the same way with your college.

6859. What is the college; you have had your joke, let us have the evidence; what is the college?—The college is for our clergy being in it.

6860. Patrick Doyle looks after the cattle there, attends the cattle there?—He does.

6861. He is a labouring man too as well as you are, is he not?—I suppose so.

6862. Have you any doubt of it; is he not a labourer?—Why, he might have a trade unknown to me; that is the work he has been at as long as I have known him.

6863. Is he, or is he not, a labourer; is he or not a labouring man?—He works as a labouring man.

6864. Is he a labourer or not; you answer for yourself readily enough; is not Pat Doyle a labourer, such as you are?—He works as a labouring man.

6865. Does he not work as a labourer, and do not you?—Yes.

6866. And is he not as much a labourer as you are; is not Pat Doyle just as much a labourer as you are?—He works, a labouring man, the same as I do.

6867. How comes it, sir, that Pat Doyle, this labouring man, employs you to till his garden for him?—When he has not time to go there himself.

6868. Do you mean to represent to the Committee Pat Doyle has not time to till his own garden, but is obliged to hire a labourer for that purpose?—He has not time, not to till his own garden.

6869. You mean that after his day's work is over, he has no time to till his own garden?—He has not.

6870. How often have you been employed?—He might an hour, or a thing that way he might spend in it, but he has not time to till his own garden.

6871. How big is the garden?—It is a very good garden.

6872. How big is the garden?—I am not a surveyor.

6873. We are not asking you square yards; how big is the garden?—I think it is about eight or nine perch long.

6874. You are a labourer, and accustomed to this; how long would it take a labouring man to dig that garden over from end to end?—Why, some labouring men would dig it in a short time, other labouring men might spend four or five days at it.

6875. How long would a reasonably good labourer take to dig that garden over every inch of it, from one end to the other; answer the question; you are a labouring man yourself?—I think I would dig it in four days myself.

6876. Do not you think you could dig it in two, now?—May be you know better than I know myself what I can do.

6877. Could you not dig that garden over in two days?—I could not tell you that; I can tell you I can dig it in four days.

6878. Could you not dig it in two?—May be I might turn it upside one way or the other, that way so that I could get shut of it, but I could not do it as it ought to be done.

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6879. You mean to tell the Committee you could not dig that garden over as it ought to be done in two days?—I could not.

6880. You do not recollect the measurement of the garden?—No.

6881. Can you give any notion how long it is; how many paces is it to step?—It is about eight or nine perch long.

6882. You mean between 50 and 60 yards?—I could not calculate how many yards, unless I could measure it in that way.

6883. How long have you known Carlow?—How long have I been in Carlow?

6884. Yes.—Eleven years, nearly.

6885. How often have you worked in this garden?—Three or four days in it.

6886. Do you mean three or four days all at once, or three or four days in the course of 11 years?—In the course of time I have worked in it.

6887. Taking all the time you have worked in it, from the first to the last?—Yes.

6888. You know these premises very well?—I do; in the way I am telling of you.

6889. You know where the door is into the slated house, the street-door?—I do, well.

6890. When you are going into that door, with your face towards the front of the house, on which side is the thatched house; is it on your right hand or on your left?—Why, then, I did not mind the thatched house.

6891. You know which is your right hand and which is your left, I presume?—I do, well.

6892. You did not mind whether the thatched house was on the left hand or the other?—I did not mind the thatched house.

6893. Are you sure there is a thatched house?—I am sure there is.

6894. What made you say just now it was on the left hand, if you did not mind it; what made you say it was on your left as you went in?—There is a thatched house as I go in upon the left, but I do not know whether it is; and there is a thatched house further on, which I do not know belongs to him or not.

6895. Do you mean to represent that there is a thatched house on the left, adjoining Doyle's house, adjoining the slated house, joining up to it; is there or is there not?—Why, then, I cannot tell you whether it joins it or not.

6896. Is there or is there not a thatched house adjoining Doyle's slated house on the left-hand side as you go in?—I do not know that it adjoins, but the thatched house is there; but I do not know whether it adjoins or not.

6897. Is there a thatched house on the right hand as you go in, adjoining Doyle's house, or is there not?—There is a thatched house; I cannot tell you whether it adjoins the house or no; I never minded whether it adjoins or not.

6898. You have passed up School-lane constantly?—Very often.

6899. Do you mean to tell the Committee, looking at the front of the house, you cannot tell whether they adjoin each other or not; is that what you mean to tell the Committee?—What I tell you is, there is a thatched house; but I do not know rightly whether it adjoins the slate house or not.

6900. That is what you mean to tell the Committee; knowing these premises well, you do not know whether each of these thatched houses adjoin?—I know his own house and garden well.

6901. Do you mean to persist in telling the Committee that you do not know whether the thatched house, on either side of his house, adjoins his house or not?—I do not.

6902. When were you first spoken to about this vote; about this house?—

[The Committee adjourned till Monday, at Eleven o'clock.]

Lunæ, 20^o die Maii, 1839.

GEORGE GROTE, Esq., IN THE CHAIR.

Names of Members called over ;—All present.

Case of the Vote of *Patrick Doyle* resumed.

Garret Roach again called, and sworn; Examination resumed by *Mr. Wrangham*.

6903. WHEN were you first spoken to about this vote?—Since I came here.

6904. When; when were you first spoken to about it?—I do not rightly know what day; since I came here.

6905. Were you spoken to before Saturday?—Yes, sir.

6906. Were you spoken to about this vote before Saturday last?—I was; I knew about it before Saturday.

6907. I want to know whether you were spoken to about it before Saturday last?—(*The Witness paused.*) I was not spoken to by any man before Saturday last, but I knew about it before Saturday.

6908. Were you not brought over to speak to this vote?—I was not brought over to speak about this vote.

6909. You were brought over to speak to some other votes?—Yes.

6910. Who spoke to you on Saturday about this?—Why, some of the men outside spoke to me, and I forget which.

6911. Do you mean to tell me no person, being an agent for the petitioner, spoke to you on Saturday?—They did not speak to me, but I spoke to them first.

6912. Who was that that you spoke to first, as you say?—(*A pause.*)

6913. (*By the Committee.*) Why don't you answer the question put to you?—I spoke to Mr. Baker.

The *Chairman*.—Attend to the questions which are put to you, and answer as quickly as you can.

6914. You spoke to Mr. Baker, the agent for the sitting Member; for the petitioner I mean?—I do not know, because there are so many in it.

6915. Is it that gentleman sitting at the end of the table?—Yes, it is. (*Mr. Baker.*)

6916. How long before you came into this room did you speak to Mr. Baker; before you came into this room on Saturday?—It was on Saturday I spoke to Mr. Baker.

6917. How long before you came into this room?—Upon my word I could not tell you that.

6918. You can tell me a little nearer than that; how long was it; I do not ask by the clock?—I do not know what time; between eleven o'clock and the time I was called in here.

6919. You were called in here about half-past two; can't you tell me whether it was nearer two than twelve when you spoke to Mr. Baker?—Upon my word, when I am upon my oath, I could not tell you, because I did not mind.

6920. Can you tell whether it was two hours or one before you were called in?—I am sure it was about between one and two o'clock, anyway.

6921. That is nearer two than twelve, between one and two o'clock; how long before two o'clock?—Why I can't tell you how long.

6922. Have you ever been employed to value property?—No, not by this sort of work I was not; I might be called upon farms out in the country.

6923. What to do?—When there would be a little damage made by cattle going into a field, or things of that way, that I might be called upon.

6924. Is it to estimate the amount of damage done to fences; the cost of making

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making up the fences again?—I was only called on once that way; that is a long time ago.

6925. What was the damage that was done?—Then upon my word I can't remember the damage, but I know it was about cattle going into a corn-field, and I do not know what way it was settled afterwards.

6926. You were called on to value?—Yes.

6927. To value the quantity of damage done?—Yes.

6928. That is the only occasion on which you have ever been called upon to value property?—That is all.

6929. And that is a long while ago?—Yes.

Examined by the Committee.

6930. How long have you known Doyle's house?—I know it is this three or four years.

6931. When first you knew it, was there any door between it and the thatched cottage?—There was not.

6932. Did you ever see any marks of a door-way between it and the thatched cottage?—There were not.

6933. Did you ever see any marks of a door-way between it and any other house?—I did not.

[The Witness withdrew.]

Patrick Dalton, called in, and sworn; Examined by Mr. Austin.

Patrick Dalton.

6934. DO you know School-lane?—Yes.

6935. Do you know Patrick Doyle, who lives in School-lane?—I do.

6936. Do you know his house?—I do.

6937. What business do you carry on in Carlow?—I keep a small library.

6938. A circulating library?—I sell books; go with them backwards and forwards. I lend them by the week.

6939. What we call a circulating library?—Yes, a small circulating library; not an extensive one, I have not, I am sorry to say.

6940. You go about with your books, to carry the books out, and get them home; is that so?—Yes.

6941. Have you often occasion to go down School-lane?—I do, sir, perhaps once or twice a month; two young men I attend there that take books from me.

6942. You say you know Doyle?—I do.

6943. Were you ever in his house?—Several times.

6944. Within what time?—The last time I have been was about March.

6945. How long have you known the house?—I have known it these six years; five or six years.

6946. Do you know what houses there are on either side of it?—There is a cabin on both sides of it (one I understand to belong to Doyle), a very fine garden, fine large yard, and fine concerns, the best I know to be in that lane; it is the best concerns in that lane; it is the best house and concerns in that lane as I know of, and I am pretty well acquainted in the lane.

6947. You say there is a cabin on each side?—Yes.

6948. Are either of those two cabins thatched?—Yes, I think they are; I am sure they are.

6949. Both of them?—Yes.

6950. Do they both of them join the house?—One is on the gable end, and the other is—I may say they both join the house.

6951. One on one side, and the other on the other?—Yes.

6952. You say you have been in the house often?—At different times I have been in it; I suppose six or seven times, or more.

6953. How many rooms are there below?—There is two.

6954. Are those rooms both on the same side, or are they on the opposite sides of the door as you go in. There is a hall centring the house, and there is a room on the right, and another on the left; a room on each side, with a door going into each?—Yes.

6955. Is one of those the kitchen?—Yes, it is used as a kitchen; the other is used as a parlour.

6956. One is a kitchen, and the other a parlour?—Yes.

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6957. One on one side, and the other on the other?—Yes.

6958. Which is on the right-hand side, the kitchen or the parlour?—The kitchen is on the right, and the parlour on the left as I go into the door.

6959. You say you have been in the house several times?—Yes.

6960. Have you been in both those rooms several times?—I have been in two or three different times; I did not want to go into, to inspect into the man's place. I have been in the rooms above stairs.

6961. Have you been into the rooms below, both the kitchen and parlour?—Yes; I have been, three or four times been in them.

6962. Did you ever observe any communication between the kitchen and the cottage that was next to it?—Not the smallest, and there is not the smallest communication in the world out of either room; there is no communication on the lower part out of either the kitchen or the parlour.

6963. To neither of the thatched cottages?—No.

6964. You know the cottages on the outside?—Know them to be there, but had no occasion with the inmates of them.

6965. Which is the higher, the house or the cottages; which building is the higher, the house or the cottages?—I think, as I understood, the house on the right to belong to Doyle, a cabin.

6966. How many stories are there in the house?—Two.

6967. How many are there in the cabins?—I cannot say anything about the cabins, because I was not in.

6968. Which is the higher, the roof of the house, or the roof of the cabin?—Oh, the roof of the house; it is two story high, what we say two story; there are two windows in front in the under part, and two windows over them; it comprises the four apartments.

6969. That is the case in the house?—Yes.

6970. Is that the case with the cottages, either of them?—It is not.

6971. Is it possible there can be any communication between the upper story of the house and cottages?—No; because the upper story of the house is higher than the top of the cottages; they could not, unless they came down the thatch.

6272. (By the *Committee*.) The upper story of the slated house of Doyle is higher than the roof of the cabins on the side?—Yes.

6973. Of either cabin?—And I am quite of opinion, there is no communication below; I have been in the lane pretty often.

6974. And have you ever observed any?—Never observed the smallest; I am resorting to this place these four or five, or better, years; four or five years. I am perfectly acquainted with the place, leaving books at the national school, which is opposite, for two young men.

Cross-examined by Mr. *Wrangham*.

6975. You are perfectly acquainted with the place; leaving books at the national school opposite?—Yes.

6976. Does your leaving books at the national school opposite enable you to say anything about the communication into this house and cabin?—It does.

6977. How?—Having a resort to the house, and being perfectly acquainted with the owner of the house, named Pat Doyle, I go in and out, he being a herd in the college; he has about 13 cows to herd.

6978. We are talking about communication between his house and cabin; I ask you, whether your leaving books at the national school enabled you to speak as to the communication between the house and cabin?—I have been in both apartments, and the under apartments; I saw no communication whatever.

6979. What do you mean by saying you saw no communication; you saw nobody passing?—Not to that outside house, only the one door, the hall-door, and the door behind to go into his concerns, namely, his yard and garden, a door on each side.

6980. That is to say, you saw no communication, you saw no door-way between the two houses?—Oh, not a door, only a door to go into each of the rooms, not to enter out of Doyle's dwelling-house into any other.

6981. A wall, the side-wall was all made of the same material?—I believe so.

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6982. No communication either, out of the yard behind, from one to the other premises?—Why, there is only a hedge; you can go to three or four different gardens; there is a hedge on one side and little walls; any active man could go anywhere in that part.

6983. There is a communication over a wall?—What wall?

6984. Behind?—Every man has a garden with a hedge-way to his own; you could get from one garden to the other, but he has his own garden marked to himself.

6985. By a fence?—By a kind of fence.

6986. What kind of fence?—A hedge.

6987. Is that fence between each garden, so that there is no communication between the yard or garden in rear of the house, except over or through the fence?—I saw no communication between his house, but through the entrance at the front, and no communication backwards; I saw the yard and garden, and I saw no communication, although I saw a cabin at the side of it.

6988. It is a good garden, you say?—Yes; it is the best in that lane.

6989. What sort of a garden is there to the cabin?—Why, the garden to the cabin is occupied by Doyle. Doyle has kept the garden belonging to the cabin, and set the cabin.

6990. That is all fenced round?—Formerly the two gardens were separate.

6991. Are they fenced round now?—I can't say now, since March; I can't say now, but at the time I saw them.

6992. What is the fence?—A hedge or thorn bushes, and some little part of a wall at the commencement; a sort of little hedge, and very few bushes.

6993. Is it quickset hedge?—I cannot say it is quickset hedge; there is some little fence to divide one person's share from the other; I cannot exactly tell you, to mark out one person's from the other.

6994. Partly wall and partly growing fence?—Between the houses there is a small little bit of wall and—

6995. Is it partly wall, partly wall and partly growing fence?—Yes.

6996. Whose premises adjoin the garden?—I cannot say anything about that, I do not know; I only know this much, I have been out at the back premises; there is Blake and Young, just adjoining, people I were not acquainted with, I could not inspect their premises; I did not see that since some time in March last.

6997. You have said the adjoining premises belonged to Blake and Young?—I think so; they were people living near the premises; I do not know who might have owned.

6998. Who lived in the thatched cabin on the right as you go in?—I do not know that; Doyle told me he retained his own premises, and that he had that cabin set, and kept the garden of it.

6999. Have you ever been in the cabin?—I have passed it a hundred times, but never been inside it.

7000. Is it two stories or one?—Only one. There is no second window in the cabin; I cannot say whether it is two stories.

7001. Never left books there?—No.

7002. You are proprietor of a circulating library?—Yes.

7003. You can tell us the amount of your circulating medium?—I cannot tell you that.

7004. How many books have you got?—That would puzzle yourself.

7005. I do not know; you ought to know something more of it; how many volumes have you got?—I cannot give a direct answer; recollect I am on my oath; I believe I have a hundred.

7006. Any medical works among them?—Indeed I have.

7007. You circulate those too?—Oh dear, no; I happened to buy a lot of medical works at a gentleman's sale, Dr. Stone's auction, and I have some of them still, that I cannot get off my hands.

7008. You are a bookseller as well as a librarian?—Yes; I both sell and lend.

7009. And you lend books to the national school?—The young men who are teachers, they get books from me at times; most frequently.

7010. Do you lend books in the country as well as in town?—I do very often go miles out into the country.

7011. Carry

7011. Carry them on your back?—Yes; not ashamed to do anything to earn bread.

Patrick Dalton.

7012. You hawk books about, do you not?—Sometimes.

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Examined by the *Committee*.

7013. How long have you known the premises?—About five or six years; I may say five years.

7014. Are you certain it is five years?—I am sure at least five years. I am certain I know the premises at least these five years.

7015. How long have you lived in Carlow?—I have been in it, I may say, since 1821.

7016. You have known these premises in particular for five years?—I did not make any great resort until within these five years that way, although it is not 40 perches from the place where I live myself, not 30 perches.

7017. Do you remember the time when Doyle was registered?—I cannot say anything about that at all. I do not, nor did I take any cognizance of it; nor did I know I should be called in respect of this.

7018. Do you remember the premises in 1835?—I do.

7019. Do you remember whether there was ever a door-way open at that time?—I am resorting in that place these five years, and I never saw a door-way opened on the under part, either in the room or parlour, and there is a hall in the centre. I never saw any way out but going into the door and then turning either right or left to go into the parlour, or go into the room.

7020. Did you ever examine the wall closely?—In fact, the house was very well furnished; pretty well furnished. I examined it; it could not be possible that there could be any opening and I so resorting; it could not be possible there could be any way and I not know it; in one place there was a fire-place; if it was any opening, it should be through the fire-place to go into the cabin.

7021. Did you ever examine the wall closely?—I did; not closely only to go in; I am in the habit when I go in, I would light a pipe and smoke a pipe; I would be waiting until the school was open; if there was a way in or out, I must see.

7022. Did you examine the wall closely?—Not more so than to sit, the same as I am here, and there would be a door-way out there; it was just the same; I could see no break; no mark of any door-way or any pass; only the wall the same as that; the only door coming in at the hall.

7023. When was the last time you were in that house?—March; some time in March; I cannot say exactly; I was in it, in fact, two or three times since Christmas; the last time I recollect was about March.

7024. Was there room between the fire-place and the end of the house for a door to be broken out, in case there was any necessity for it to go into the cabin?—I did not take notice of that. There was a kind of press-bed; but not to either side.

7025. Did you see the wall behind the press-bed?—No, I did not.

7026. That press-bed was at one side of the fire-place?—It was in front.

7027. Was it on one side of the fire-place?—It was on the left.

7028. How long had the press-bed been there; how long do you recollect it there?—It was there this long time; a small kind of low press-bed, not higher than this table (*about three feet*).

7029. When you left Ireland, did you know you were going to be examined about Doyle's vote?—I did not; I declare to God, on my oath, I did not know a word about it, good or bad, and I did not know a ha'porth about it; only that I knew Doyle to have the best freehold that was in the lane of others that voted; that his property and freehold was the best I saw, and considered in that whole lane.

7030. Did Doyle ever say anything to you about his vote being objected to?—Not a word to me, nor I to him, for since March last I never opened my lips to man; nor had I any intimation or knowledge of coming here, good or bad, myself.

7031. Is the college a good sized building?—The national school?

7032. Yes.—Yes, it is pretty good; it will hold, I suppose, a couple of hundred.

7033. Where is the college situated?—At the back of that at the front of

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Doyle's house, but at the back of the school; the school, recollect, is opposite the lane; the school is opposite Doyle's door; but the college is at the back of the school, and Doyle's house fronts the college.

7034. Is it on a large scale, the college; what extent of building is the college?—I am not an architect; but I should consider that it is a very extensive, a very large building; a very fine, superb, splendid building.

7035. How long have you known that press-bed?—I have known it to be there at least these two years, I have known it; a small little bed, something about three feet high.

7036. Against which wall did the head of the bed stand?—Against the wall as you go out into the yard; the fire is here, and it is as you go out into the yard.

7037. Is that the same side as the fire-place?—No.

7038–9. I understood him to say it was by the fire-place?—No; the fire-place is here, and the bed is there (*describing*). It is not the same side. The fire-place is there, and there is the bed.

7040. That room is not so big as this?—This is nearly as big as the whole.

7041. As you go into this parlour of Doyle's, is the fire-place opposite to you, going in at the door of the parlour?—The kitchen; the kitchen is on the right as you go in the hall, and the parlour or room on the left.

7042. The press-bed you say is in the parlour?—The press-bed that I saw was in the kitchen.

7043. Is the press-bed in the parlour or in the kitchen?—In the kitchen.

7044. The press-bed is in the kitchen?—Yes.

7045. The press-bed is not on the same side in the kitchen as the fire-place?—No; the fire-place is there, and the press-bed is there.

7046. Were you ever on those premises in 1835?—Indeed I was, and I may say long before that; I may say that much; I have been in it frequently; it is a place I am in the habit of resorting to; there is a lime-kiln near it; whenever I wanted a little lime I may have gone to it.

7047. I asked if there is room between the fire-place and the end of the house for a door-way?—No, there is not.

7048. What is the length of the room?—Why I think the breadth of the entire house is, as near I can think, something about 30 feet in front.

7049. The depth of the house from the street?—To take the whole of it, the hall is nearly centre.

7050. I am not asking about the hall; I am asking the depth of the house; from the street to the back?—I cannot directly tell you; I did not take particular notice of that.

7051. Was it 10 feet; is it 10 feet?—I think it is more.

7052. Is it 15 feet?—I will not say it is 15; it is more than 10.

7053. Whereabout is the fire-place?—The fire-place is on the right as you go on.

7054. Is it in the centre of that wall?—Yes.

7055. What is the breadth of the fire-place?—I cannot tell.

7056. Is it two feet?—Indeed I think it is three.

7057. If it is 15 feet deep, there must be six feet on each side of the fire-place?—I cannot say.

7058. You can calculate pretty clearly?—As near as I can go in truth, I wish to do it.

7059. There must be about six feet on each side of the fire-place?—Perhaps so.

7060. Do you mean to say there is not room for a door-way between that fire-place and the end of the wall in that six feet?—I have seen no door-way.

7061. I ask if there was room?—I am perfectly sure there is no door-way in it.

7062. I ask if there is room for it?—There might be room for it; but at the time I have seen it there was no such thing.

7063. How often did you go into the house in a year?—

Mr. Thesiger.—He said only three or four times.

The Witness.—I have been two or three times since Christmas.

7064. Have you any recollection how the room is furnished on each side of the fire-place; what stands there?—Chairs and tables; and I took notice there were

were chairs and tables there; dishes and plates in the kitchen part of it; I did not take any particular notice in that way.

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7065. (By Mr. *Wrangham*.) Where are these dishes and plates; where are they put; how do they range the dishes and plates in the kitchen?—I saw a kind of dresser; a dresser in it, shelf-like, for putting them on; I do not know what you may call it, in a way that hold the plates.

7066. Which side of the kitchen is that in?—Here, as you go on.

7067. Is the shelf the right or left?—On the left, as you go into the kitchen.

[The Witness withdrew.]

Mr. *Thomas Haughton*, called in, Affirmed; and Examined by Mr. *Austin*.

7068. DO you know School-lane in Carlow?—I do.

Mr. T. Haughton.

7069. Do you know a house belonging to a man of the name of Doyle there?—I do.

7070. Did you go to look at that house at any time?—I did; in February 1838, last spring 12 months.

7071. Did you go into it?—I did.

7072. How many rooms are there below?—There are three below; two and a back room, a shed.

7073. Two in the house, and one in the shed?—Three apartments below and two above.

7074. Is there a garden?—There is a very good garden.

7075. Do you know the cabin?—There is a cabin at each side of the house; we did not take those cabins into consideration at all; we only estimated the value of the premises pointed out as his.

7076. You only took the house you have described?—The house and yard and garden.

7077. What, in your opinion, is the value of that property?—My estimate of the value of the house, yard, and garden is 11*l.* 10*s.* per annum; if the Honourable Committee wish me to particularize, I will.

7078. You mean, to distinguish the house from the garden?—Yes; I should say the house, with the apartment opening into the kitchen, I value at 8*l.* a year, the garden at 3*l.*, and the yard at 10*s.* per annum; that would, in my opinion, be a fair value.

7079. The house with the apartment opening into the kitchen, that is, a shed?—Yes.

7080. The shed is behind the kitchen, is it?—Behind the kitchen.

7081. House and shed?—It is part of the house.

7082. The shed is part of the house?—There is an opening, a door into it.

7083. It has been built to the house?—It has been built at the back of the house, extending down the yard.

7084. Is that, in your opinion, a fair value for that property?—That, in my opinion, is a fair value, as far as I am able to estimate it.

7085. You say you went into the house; did you go into all the rooms?—Yes; either went into them or looked into them; I do not know that I looked into the back apartment, except through the door.

7086. Did you go into the two rooms below?—Yes.

7087. Did you go into the kitchen?—Yes.

7088. Did you observe any communication into—you say there is a cabin on each side?—Yes.

7089. Did you observe, when you went into the kitchen, any communication between the kitchen and the cabin on that side of the house?—No, I did not.

7090. Was any pointed out to you?—None whatever.

7091. And you did not observe any?—I did not.

7092. Nor out of the parlour?—Nor out of the parlour.

7093. You have houses in Carlow yourself?—Yes.

7094. You have built houses?—I have built a good many houses.

7095. Have you built any houses of that kind?—I have built large houses and small houses.

7096. Small houses of that kind?—Yes; in point of number of apartments they were about the size.

Cross-examined by Mr. *Thesiger*.

7097. Who went with you on this occasion to value this house?—If you will

Mr. T. Haughton. allow me to look at the book. [*The witness referred to his book.*] There were Mr. Farrell, Mr. Howard Moore, Mr. Fitzgerald, Captain Brennan, Mr. Lynch; six of us.

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7098. Six including yourself?—Yes.

7099. And you went, as I understand from your evidence before, for the purpose of valuing, upon the petition against the return of Mr. Maule?—We did.

7100. Did you know you would be required to give evidence on the present occasion, with regard to this vote?—I did not; on the contrary—

7101. You did not know it?—I did not until I came to London.

7102. Was that the only occasion on which you went to the premises?—The only occasion, except on the canvass.

7103. The only occasion on which you went to the premises for the purpose of examining and valuing?—The only occasion.

7104. Were there votes taken by the other persons who accompanied you?—They read over and initialled it with their names here. I will show it you.

7105. There were no separate notes taken by them?—There were some did take separate notes, I dare say, but they all initialled it here.

7106. I want to know whether the other persons who accompanied you, did or not take notes?—I dare say they did, some of them; others I think did not.

7107. When you went to those premises, was your attention called to there having been any communication between the house and the cabin adjoining?—No, it was not; the man mentioned having been owner of that cabin, and we agreed we had nothing to say to that cabin; we would only confine ourselves to the part of the premises in his occupation.

7108. Confining yourself to my question only; pray were you at the registration in April 1835?—I was at quarter sessions; and I was in and out.

7109. Were you at the registration?—I have been there during part of the sittings, but not constantly.

7110. Were you there when Pat Doyle came to be registered?—I have no recollection of being there when Doyle came to be registered.

7111. There were, of course, always agents attending on both sides at the registration?—Yes.

7112. Agents to support and agents to oppose the different votes brought up?—No doubt of it.

7113. Is School-lane a very nice situation?—It is not a very nice situation; it is not a thoroughfare; it is out of Chapel-lane, which is a good street.

7114. A lane leading out of another lane?—Yes.

7115. And no thoroughfare?—No.

7116. Do you call that a good situation or not, Mr. Haughton?—I think the circumstance of having so large a garden makes it very valuable.

7117. Do you call School-lane a good situation or not?—I do not call it a very good situation; a street that is not a thoroughfare cannot be said to be so.

7118. It is chiefly composed of cabins?—Yes, there are a good many cabins; there are limeworks in it, and a good deal of intercourse with those lime-works.

7119. Chiefly composed of cabins?—There are a good many cabins.

7120. Not exactly the place on which a man would lay out his money on good buildings, as a speculation?—That is matter of opinion.

7121. I know it, and I ask you for yours?—If the property was mine, I would lay out money upon it to improve the whole street.

7122. As the street is at present, is it exactly the situation a person would select to lay out his money in speculating?—I do not think it is the very best place to select in the town.

7123. By which I gather it is one of the worst?—No, not the worst.

7124. An indifferent place?—It may be a medium between the two.

7125. Mention any other place that is worse than School-lane?—I could a great many; I could mention Cockpit-lane, and many places about the town, you would scarcely put your foot in.

7126. Be good enough, as you have built houses of this description?—I have not exactly.

7127. What would it take to build a house of this kind?—In my opinion it would take 60*l.* to erect that house.

7128. Does that include labour as well as materials?—Labour and materials.

7129. What
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7129. What would it cost to build the cabin adjoining?—Not more than 10*l.*, the outside, or any cabin not having an up-stairs in it.

7130. I believe, with respect to cabins, almost the chief expense is the thatching, is it not?—The roofing.

7131. What do you think would be the value of that place, to purchase out and out; the house which Doyle lives in, the cabin and the garden?—I never was in the cabin, so I cannot tell. Do you mean the fee?

7132. Yes.—In order to answer that question, I must give it in two ways; first, my estimate of the value of the fee of the ground, exclusive of the building.

7133. Give me in round numbers what you consider would be the worth of the fee-simple of the property?—I estimate the garden at 3*l.*, the yard at 10*s.*, that is 3*l.* 10*s.*, and the ground on which the house stands at 1*l.*, that is 4*l.* 10*s.*; that is in his actual possession; I estimate that to be worth 20 years' purchase for the fee. I am not now including the cabin at all, only the part in his possession, deducting the pound head-rent, which I set off from the house itself, would leave 7*l.*; that I would estimate at 12 per cent. for money, would be eight years' purchase for the 7*l.*, that would be 56*l.*, added to 20 years' purchase for the fee of the land on which the house stands, would give the whole tot.

7134. Do you mean to say you would give, without the cabin, 147*l.* for these concerns?—If I were inclined to purchase them I consider them of that value; I would get them less if I could.

7135. Do you not believe you would get them a great deal less?—No, I do not believe I would, not for purchasing of the fee; I never knew an instance when the valuation came before a jury, of a fee being sold under 20 or 25 years' purchase, and that in the immediate neighbourhood.

7136. You do not believe you might get them much under 147*l.*?—I might on a short lease, such as that man has, but not on the purchase of the fee.

7137. What lease has he?—I do not exactly know, it can't be a very long one; they don't give long ones; I presume it is not a lease for ever.

7138. You know nothing about it, but presume?—Yes.

7139. Again I put it to you, do you really mean to say you would yourself give, without the cabin, 147*l.* for these concerns?—Without the cabin?

7140. Yes.—Yes, I would, for the fee of them; he should have it from me any time he calls upon me, when he makes out a title to the land in fee.

7141. Is this garden a large garden, a nice garden?—It is a neat little garden, with a quick or privet hedge; I can tell you the dimensions of it; the garden is 44 paces long by 12 paces broad.

7142. Forty-four yards long?—There was a military gentleman with us who paced it.

7143. The garden is exactly the breadth, is it not, of the house and the cabin adjoining?—Yes, the garden abuts on the back of the cabin.

7144. Let me look at that book. (*It was handed to Mr. Thesiger.*)

7145. (By Mr. Austin.) It abuts on the cabin and the house?—No, there is a yard intervening between the garden and the house.

7146. What is the size of the yard?—I have not taken the actual dimensions of the yard.

7147. As near as you can give them?—Not a very large yard; I do not think it is larger than this room, if so large.

7148. I know nothing about it?—I will tell you exactly what I believe.

7149. Tell me how many paces it is?—I think about five paces one way, and perhaps seven or eight the other. I only state it by computation in my own mind.

7150. And the yard, you think, is worth 10*s.*?—Yes, a very small yard is worth more than 10*s.* a year to any poor man to keep manure in.

7151. When you made this valuation, did you value the matters separate, the house from the garden and yard?—I did not put them down separately.

7152. Did you value them separately?—I did not.

7153. Did you do otherwise than value the whole concerns, and come to the conclusion they were sufficient for the franchise?—That is the manner in which I reckoned it in this book; the man told me he paid 6*l.* for the ground, and he built the house.

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7154. Do not tell us what the man told you; you have been already told that is not evidence?—Any time you correct me I will obey.

7155. I ask you, whether you did enter into an examination, into a detail of the different particulars, first taking the house and ascertaining the value; then the garden and then the yard, or whether you did not all go over and see there was sufficient for the franchise?—We examined them separately and computed them together.

7156. Did you put them down separately; take a valuation on each?—We did; we examined them separately, and measured them separately; measured them with a tape line generally.

7157. And put a separate value on each?—Yes; I have recorded it here: "We are of opinion this house and premises are good value for the franchise."

7158. Where are the details?—I have no record any more than you have seen.

7159. And your attention has not been called to it since February 1838?—No.

7160. You never knew you would be asked about Doyle's vote at all on this occasion?—I was never told I would.

7161. Where were you first told it?—In the House of Commons.

7162. When?—About three days, I think; on Saturday morning.

7163. What time on Saturday morning?—That book was in possession of the agent.

7164. What time on Saturday morning?—In the morning, immediately after the Committee sat.

7165. You mean to affirm that it was as early as shortly after the Committee sat; was it before 12 o'clock?—It was between 11 and 12 o'clock.

7166. Are you prepared to affirm solemnly, it was before 12 o'clock?—I will not affirm positively anything I am not certain of.

7167. Will you affirm solemnly, it was before one o'clock?—I will not; I think it was about the time I say; about 12.

7168. Will you affirm solemnly it was not between one and two?—I do not like to affirm solemnly to anything I am not perfectly positive about; I did not keep any account of the actual time.

7169. Will you affirm solemnly that it was not between one and two?—I will not.

7170. Will you affirm solemnly it was not at two o'clock?—I will not affirm solemnly as to any particular hour at all; it was some time in the course of Saturday.

7171. You have no recollection of what passed so recently as to the time you were told you would be wanted on this vote?—I think it was about 12 o'clock; I can't be positive.

7172. You can't?—I do not think you could as to what hour you were speaking here on Saturday. You want me to do a thing I will not do; that is, affirm positively to what I am not positively certain of.

7173. I am glad you are so scrupulous?—We ought to be all so.

7174. Is your memory so very defective, that you cannot solemnly affirm as to the time you were told you would be required?—I cannot solemnly affirm as to the time; I told you my belief as to the time. I believe it was about 12 o'clock.

7175. You won't venture to affirm it might not be as late as two?—I will not, indeed.

7176. Pray, Mr. Haughton, did you hear of any evidence that was given on Saturday last?—I did not, except what I saw in the newspaper.

7177. Did you read any of the evidence that was given on Saturday last?—I did read some of it.

7178. Who gave it you to read?—Took it up in my own hands off the coffee-room tables.

7179. Where?—At the Salopian Hotel.

7180. You knew you were to be examined?—I did.

7181. Have you a house set in Pembroke-road?—I have several.

7182. Have you one set to a person of the name of Hogan?—I have.

7183. Is Pembroke-road a better or worse situation than School-lane?—Pembroke-road is a much better situation; it is a new line of street I laid out; it is only in embryo yet; it is only in its infancy.

7184. Is

7184. Is this a two-story house of Hogan?—No; one story high, and no stairs in it. Mr. T. Haughton.

Re-examined by Mr. Austin.

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7185. What do you get for that house with one story and no garden?—£.10 a year. The person who had it before paid me 10 l. a year without any furniture; but this Mr. Hogan is an officer of Excise, and I accommodate him with a loan of a few heavy articles; but it is no part of the consideration, and he pays me 10 l.

7186. What newspaper did you read at your breakfast this morning?—I read three or four; I read the Morning Herald, and I looked at The Times and Morning Chronicle, and papers of all politics, and the Morning Post.

7187. Did you read the Morning Post?—I looked it over; I did not read much of it.

7188. Were you ready on Saturday to have been examined as a witness?—Yes.

7189. Before you read the Morning Post of to-day?—Yes.

7190. I understand you to say, you examined the value of the house and garden separately?—Yes.

7191. You did not put them down separately, but you examined them separately to make the estimate?—Yes.

7192. You have been asked with respect to the situation; you say it is not the best situation in the town?—It is not.

7193. In making your estimate, did you take situation into consideration?—Yes; persons who inhabit houses of that description are not particular as to the house; not so particular as one of us might be.

7194. That house of Mr. Hogan's you let for 10 l., what did it cost you to build it?—It cost me about 60 l.; there are no stairs in it; stairs with floors up-stairs constitute the heaviest expense; there is a flat composition roof.

Examined by the Committee.

7195. How many rooms are there in that house?—There is a parlour, a kitchen, one bed-room and a closet, and a very small yard and a hall.

7196. All on the same floor?—Yes.

7197. The hall you call the entrance place?—Yes, a narrow hall.

7198. Is there any garden to that house?—No garden whatever; a small flagged yard.

7199. Any stables?—No stables; it is a neat little thing, neatly finished.

7200. What is the size of the rooms?—Very small; the parlour is not more than 12 feet by seven.

7201. What sort of heavy articles were those you put into the house with Mr. Hogan?—I lent him a bedstead, settle bed; the whole value not above 4 l. or 5 l.

7202. What are they?—Half-a-dozen chairs.

7203. What else?—And I lent—

7204. Any bedding?—No, no bedding; except I lent him a straw mattress belonging to the bed.

7205. How many chairs did you lend him?—Half-a-dozen chairs and a chest of drawers; I believe that constitutes the whole, or nearly the whole.

7206. Did you lend him any tables?—One table.

7207. Any carpet?—No, no carpet.

7208. Do you remember going into Doyle's kitchen?—I do.

7209. Did you examine the wall?—Not particularly, I did not.

7210. Did you examine the walls?—Not particularly.

7211. If there had been any marks, do you think you would remember if there had been marks of an old door-way; do you think you should remember that circumstance?—I might not; if they were very distinctly traced I might of course remember it; if they were not distinctly traced I might not.

7212. You only examined the house of those voters you thought would be objected to?—We went through a general examination; our rule was general when the parties paid less than 10 l. rent; we generally went to examine those, to see whether they made improvements on them to have the franchise; on both sides we did that. Any houses paying less rent than 10 l., of course there must have been improvement sufficient to bring it up to the franchise,

Mr. T. Haughton. and we made it a rule in all cases to examine the houses paying under 10*l.* a year rent.

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7213. Did Doyle pay under 10*l.* a year rent?—Oh, yes.

7214. What was Doyle's rent?—He told me he had 6*l.* for the whole.

7215. Including the thatched cabin?—Including the thatched cabin. We put 3*l.* against the part he registered out of; I think 6*l.* a year a high rent for the ground.

7216. He pays 6*l.* a year for the house and garden?—He built the house himself.

7217. What is the rent Doyle pays his landlord?—He stated he held under two leases at 3*l.* a year each, old Irish currency, so we set 3*l.* a year.

7218. Has he got it on long lease?—I do not think it a very long one; it may be perhaps 30 years.

7219. There was a house on it when he first took it?—I understand there was some sort of house, barn, or something.

7220. You have got written down here, "since he registered he built a good addition to the house," what was the addition to the house which he did build?—He pointed out this shed along the back wall, which constitutes a room leading from the kitchen into that room.

7221. Is that the only part that he built?—Oh, he built the house; not since he registered. He built the house altogether, as he stated to me; I do not know it of my own knowledge. I should observe, I think the reserved rent was 6*l.* a year; for the whole at a high rent; I do not estimate it at near so high.

7222. Not the ground-rent?—No, I would not purchase at that rent.

7223. Does the witness mean to say he knows he built the whole house?—No, I say he told me so, and I believe it.

7224. Was it the voter who told you what you have put down in the memorandum book, "since he registered has built a good addition to the house"?—The voter himself and his wife on the premises pointed out what he had done.

7225. Pointed out the addition he had made?—Yes.

7226. Did he tell you anything more about the premises for which he was registered?—No, I am not aware he did; nothing particular.

7227. Tell me whereabouts the door from the kitchen into the shed is, what you call the shed?—It is at the back end.

7228. In what part of the wall, the middle of the wall or the end?—It appears to me to be in a corner, near the wall.

7229. Did you observe anything in the kitchen beside kitchen utensils?—I observed an old man sitting in it, who said he rented the place.

7230. Was there anything in the shape of a bed in it?—I do not recollect seeing a bed in it, there might have been one.

7231. A press bed?—I think there was where that man slept.

7232. Where did that bed stand?—I think it was to the right of the door as you went in.

7233. Was it in the same line with the fire-place?—I do not exactly remember about it.

7234. Was it on one side of the door leading into the shed, or at one side of the fire-place?—I cannot be positive; I think it was on the right-hand side as you entered; the door was to the left-hand corner.

7235. Is the fire-place opposite you, as you enter?—I cannot be so accurate as to minutely describe that.

7236. Was the fire-place facing you as you went in?—I think it was; I think the bed was to the right.

7237. Was it against the wall where the door is, going into the shed, or against the hall, where the fire-place?—As far as my memory serves me, it was on the right-hand side.

7238. Between the fire-place and the window?—Yes; a small bed.

7239. Between the fire-place and window?—Yes, that is my recollection of it; I will not be positive.

7240. What size is the room?—A small room; I dare say about 12 or 14 feet long.

7241. Do you mean that depth from front to rear?—Yes.

7242. Was there any dresser or place for putting kitchen utensils?—Yes; there are some kitchen utensils in it, but I cannot minutely describe them.

7243. Where were they placed, do you recollect?—Different parts of the room, up and down; it was not very well furnished in that way; a few articles.

7244. A dresser

Mr. T. Haughton.

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7244. A dresser stands against the wall, does it not, generally?—Yes.

7245. Where did it stand?—I have no recollection whether there was a dresser at all in it or not; we did not go into so minute an examination as that.

7246. What do you consider it would have cost to build the shed?—I should think it would cost very little; a few pounds.

7247. How many pounds?—A very few pounds; I suppose two or three pounds would build it.

7248. Was it thatched or slated?—It was thatched, I think it was.

7249. You say, you read the morning papers?—Yes.

7250. Do you read the evening papers?—Yes.

7251. Did you see one paper last week, stating, one vote had cost the parties 400 *l.* or 500 *l.*?—Yes, I did; 800 *l.* I think, 400 *l.* a side.

7252. You mention here, Edward Keely pays 3 *l.* a year for the use of the kitchen?—That was the old man living in it.

7253. Who informed you of that?—The owner of the house, he mentioned that when we were in there, “I get for this kitchen so much a year from old Keely.”

7254. By week or year does he rent it?—I understand he paid him by the week, but he paid it yearly; he paid him weekly.

7255. Is this the best house in the lane?—It is the best house except the public school, the national school.

7256. Do many people resort to the national school?—Yes, a great number.

7257. Whereabout is it with regard to the national school?—It is exactly opposite the national school, where there are a number of boys, to the amount of about 300, educated.

7258. Being opposite the national school improves its situation?—I do not think it does make much improvement of it; it makes the street a great deal more noisy; I would not consider it any improvement.

7259. It makes it much more public?—Yes, it does.

7260. If you wanted to set up a shop in that lane, you would rather have it opposite the school than otherwise?—Yes; I should think I would, as a place of business.

7261. Would not that depend upon the nature of the merchandize that was sold there?—I should think it would, if it was expected the schoolboys would be the purchasers.

7262. Lollypops?—Sweetmeats and gingerbread.

[The Witness withdrew.]

Mr. *Cockburn* was heard to sum up the case in support of the vote, and to contend that it had not been proved that the voter had been registered for more than the one house and garden, which he was at present occupying; but even if he had been registered both for the slated house and the thatched house, the part which he retained, being the slated house and garden, was of sufficient value to entitle him to vote.

Mr. *Wrangham* was heard against the vote.

The room was cleared.

The Committee deliberated.

Counsel and agents called in, and informed by the *Chairman*, “that the Committee had resolved that the vote of Patrick Doyle is a good vote.”

[Adjourned till To-morrow, at Eleven o'clock.]

Martis, 21^o die Maii, 1839.

GEORGE GROTE, Esq., IN THE CHAIR.

Names of the Members called over;—All present.

Mr. *Thesiger* stated, they proposed to remove from the poll of Mr. *Gisborne*, *Robert Ivers*.

The voter stood No. 79 upon the poll, described as of Tullow-street, and voting for "house, out-offices and premises:" vote objected to.

Mr. *Humfrey*, sworn; Examined by Mr. *Thesiger*.

Mr. *Humfrey*.

21 May 1839.

7263. DO you produce the affidavit of register of this vote?—I do.

The affidavit described the voter as registering upon the 6th of November 1832, for dwelling-house, out-offices and premises in Tullow-street, and designating him as a grocer.

Ground of objection, loss of qualification since the registration.

Thomas Carrol, called in, and sworn; Examined by Mr. *Thesiger*.

Thomas Carrol.

7264. I BELIEVE you are editor of the *Carlow Sentinel*?—I am.

7265. Do you, in that character, attend the registry at the quarter sessions of the peace?—I do.

7266. Are you well acquainted with the town of *Carlow*?—Very well; for about seven years.

7267. In the month of November 1832, were you present when *Robert Ivers* registered?—I was.

7268. Do you know the house out of which *Robert Ivers* registered?—I do.

7269. It is in Tullow-street?—It is situated in Tullow-street.

7270. What business did *Robert Ivers* carry on?—A grocery and spirit business.

7271. It is very common in Ireland for grocers to deal in spirits?—Quite common.

7272. This house in Tullow-street in which *Robert Ivers* carried on his business as a grocer and spirit dealer, had he any other house which he occupied there?—No.

7273. Were you present at the general quarter sessions of the peace in the year 1834?—I was.

7274. Now, at those sessions, did *Henry Ivers*, the son of *Robert*, apply for a spirit licence for himself for this house?—He did.

7275. Was *Robert Ivers* present at those sessions?—He was.

7276. (By Mr. *Cockburn*.) Was he present at the time this application was made?—He was.

7277. He was present during the whole time, was he not?—He was present during the time that application was made.

7278. Was he present during the examination of *Henry Ivers*?—He was.

7279. And was he examined afterwards himself?—He was.

7280. Did you hear *Henry Ivers* examined on his application for the licence?—I did.

7281. Was he examined upon oath?—He was.

7282. And *Robert Ivers* also?—Also.

7283. Now, what did *Henry Ivers* say, with reference to his application for a licence for this house?—The magistrates objected to his getting the licence, inasmuch as his father had a licence before for the same house, and he swore on that occasion that he was the sole owner of that house.

7284. We are speaking now of the house out of which *Robert Ivers* had registered?—Yes.

7285. He

7285. He said that he was the owner of that house?—He did; he swore it.

7286. What did the magistrates say upon that?—The father was next produced.

7287. And what did the father, Robert Ivers, say?—The father swore he had given or assigned the house to his son.

7288. Did he state whether he had any property whatever in that house at that time?—I don't think he stated any more than what I spoke of; that he had given the house to his son; and he swore it; on which the magistrates granted the licence to Henry Ivers.

7289. I suppose two licences are not granted to one house?—Oh no; the custom in Ireland is to grant a licence only to the owner or occupier, or householder.

7290. (By the *Committee*.) Did the witness state, that a licence had been granted to Robert Ivers for this house?—Yes.

7291. Upon that was the licence granted to Henry?—It was.

7292. After that period, did you see Henry Ivers carrying on the business of a grocer and spirit dealer in that house?—I did.

7293. For some time after?—For a considerable time after; my office was directly opposite the house.

7294. Your office is directly opposite the house?—The office I did my business in; the printing establishment is in another part of the town.

7295. So that you had an opportunity of seeing the house frequently?—Daily; while our office was in that street.

7296. Up to what time did Henry Ivers continue to carry on the spirit business in that house?—I should suppose for about six months, to the best of my recollection; I could not charge my memory with it further as to time.

7297. (By the *Committee*.) When was this time that the magistrates granted the licence?—It was in October 1834; the general quarter sessions of the peace.

7298. Do you remember any change in the name over the door of this house?—I could not charge my memory with it; my belief is there was a change; but I can't charge my memory with it; the impression on my mind is there was a change.

7299. You do not know exactly down to what time Henry continued to carry on the business there?—I cannot exactly state the time.

Cross-examined by Mr. Cockburn.

7300. I think you say you are the editor of the Carlow Sentinel?—I am.

7301. How long have you been the editor of the Carlow Sentinel?—About seven years.

7302. Previous to your becoming the editor of the Carlow Sentinel, were you on another paper called the Carlow Post?—I was.

7303. I believe the Carlow Sentinel is a paper conducted with Conservative views?—Yes.

7304. The Carlow Post, I believe, was not?—No.

7305. A paper very strong, I believe, the other way?—Indeed it was.

7306. The Carlow Sentinel, I believe, was pretty strong the other way?—For a very short time.

7307. Was that short time part of the period during which you were the editor of the paper?—Yes; our views changed with the circumstances of the times.

7308. What were those circumstances?—Why, we conceived while looking for liberty, we were endeavouring to support the party that was establishing a civil tyranny; and when we had a death's head and cross-bones at our doors, it was full time we should change our views.

7309. Was there any mention made of the death's head and cross-bones before the year 1835?—There was.

7310. When?—I should think it was at the general election of 1832.

7311. Was it not when the Knight of Kerry opposed the O'Connell family?

Mr. *Thesiger* inquired whether this was relevant to the inquiry.

The *Chairman* stated it could not be of importance to have the particular views of a party, but if it was to the credit of the witness it might be gone into.

Thomas Carrol.

21 May 1839.

Thomas Carrol.

21 May 1839.

7312. I ask you again; you say it was because the death's head and cross-bones were brought to your door, therefore you thought it high time to change your opinion; was it not on the occasion of the Knight of Kerry opposing the O'Connell family at the election for Kerry, that the first mention was made in an open and public way about the death's head and cross-bones?—With great respect to the learned Counsel, I did not state that exactly as he stated it; I stated it was one reason, when we saw civil tyranny endeavouring to be established in the country, it was time to change our political opinions; I instanced the period when the death's head and cross-bones were exhibited.

7313. Had you not changed the opinions of that paper at least two years before that?—I dare say we did; I am quite sure of it.

7314. Before you changed, while you were the editor of the Carlow Post, and before the Carlow Sentinel changed its views, you were in the habit of dealing pretty freely with the Bruen family, were you not?—Yes, with Colonel Bruen; I never had the slightest difference with Mr. Francis Bruen in my life.

7315. I mean attacks in the paper?—Mr. Francis Bruen, never; decidedly not; he was not in the field at that period.

7316. It was in your paper the clergy of the neighbourhood acquired the not very desirable appellation of the Black Slugs?—Never; I never applied that term myself in the whole course of my life.

7317. I do not say you did yourself; was not that appellation applied to the clergy in your paper on more than one occasion?—It may, but never applied by me personally.

7318. I ask you whether, in the paper, the term black slugs was not a term frequently applied to the clergy?—If I could remember it, I would state it very frankly, but I do not remember it; it may, I am not quite sure of it.

7319. During the time you were editor?—During the time I was editor, the term might have been applied by other persons; I did not use it.

7320. You were present, you say, when this young Henry Ivers came up to apply for the spirit licence?—Yes.

7321. Did anybody appear for him as attorney or agent?—Not to my knowledge.

7322. Who was present on the occasion?—There were several magistrates on the bench.

7323. Were you then in the performance of your editorial duties?—Generally speaking; I attended every sessions, with the exception of one, for about seven years.

7324. Did you take a note?—I don't remember I took a note of it.

7325. Were you generally in the habit of taking notes of what passed at the sessions?—Of very particular matter; if there were particular matters, I took a note of it.

7325*. That was matter of public notoriety that Henry Ivers was come there to apply for a licence?—It was matter of public notoriety he had received his licence under those circumstances.

7326. Matter of public notoriety?—It was.

7327. Did the whole town of Carlow know it?—I do not say the whole town; but I know it was known.

7328. You mean the fact of a man getting his spirit licence to sell spirits in Tullow-street was matter of notoriety in the town of Carlow; therefore you did not think it necessary to take a note?—That is not exactly what I state; I state it was matter of public notoriety to all those persons who attended the registry at the quarter sessions; I do not say all the town of Carlow would be acquainted with it; many would.

7329. Do you mean to say it was matter of public notoriety that this man was going to apply for this licence, or he had?—It was matter of public notoriety, I think, that he received the licence.

7330. By public notoriety, you mean all those persons who were present at the quarter sessions knew it?—Certainly.

7331. Is not every matter that comes before the quarter sessions matter of public notoriety?—Some matters that come before the public would be more notorious than others.

7332. You say this was notorious, because all those persons who were present in it knew it; you do not apprehend the rest of the town of Carlow knew it?—

If

If the term should please you, and would suit you better, I should say it was well known.

7333. To those who were present?—Yes.

7334. To the same extent is not every transaction known to those who are present?—I think so.

7335. Why do you take a note of one thing more than the other?—It depends on the circumstances; there are 20 things that may occur at a sessions or an assize that we generally take and keep notes of, others we omit.

7336. Do you remember the case of every other person who has applied for a licence at any quarter sessions between this and 1834?—I do not indeed; I should think I would under the same circumstances.

7337. What were the peculiar circumstances?—The father having given up his house, and the son having sworn it was his, and afterwards voting out of it.

7338. Who was that?—And after having voted out of it.

7339. Who?—Robert Ivers.

7340. The father?—Yes.

7341. Did he vote out of it in 1838?—I cannot say.

7342. Don't you know he did?—I cannot positively swear.

7343. 1837?—I dare say he did.

7344. (By Mr. *Thesiger*.) Were you present, and did you see?—No.

7345. Not even by public notoriety?—It may, or may not.

7346. Will you undertake to swear that the father did not say he had given him a portion of his house?—I will undertake to swear positively that he said he had given him his house, and the son said he received it.

7347. That he had given him his house?—Yes; that he was the sole owner of the house; that the son was the sole owner of the house.

7348. You will swear that?—I will.

7349. And the son, he received it?—That he was the owner of the house, and had received the house from his father.

7350. Did the father continue to live in the house, or go anywhere else?—I can't tell; I can't say where the father lived; my belief is he lived in the house.

7351. You had your office in the same street?—I had.

7352. Opposite?—Yes.

7353. Don't you know from living opposite; don't you know whether the father lived in the house or not?—I speak on that point to my belief.

7354. I ask you as to your knowledge, having your office opposite the house; I ask you on your oath if you do not know?—Upon my oath I cannot swear it, for I always saw the son for a considerable time attend the duties of the shop, and therefore I could not swear positively where the man lived; I saw him in the house it is most true.

7355. Did you see him coming in and going out of the house in the way a man does who inhabits a house?—I may have done.

7356. Did you do so?—It is very probable I did.

7357. I do not ask about probabilities, I ask as to facts?—I may have done so.

7358. Do you not know the father is living there to the present moment?—I do now.

7459. Do you not know he has been living there from that time to the present?—I was aware the son left the house some time after.

7360. I do not ask that; answer my question, yes or no; do you not know the father has been living in that house from 1834 until 1836, until the son left the town altogether?—I state as my belief the father did not live in the house.

7361. From 1836 has not the father being living in that house to your knowledge?—I think he has.

7362. Have you any doubt of it?—I have no doubt whatever he lives there now.

7363. Have you any doubt from 1836 to the present time he has been living in that house?—I know he has been living there from 1837; I can't say from 1836.

Mr. *Thesiger* stated he objected to the belief of the Witness being considered as evidence.

The Witness was ordered to withdraw.

Mr. *Cockburn* was heard to support his right to put the question. The belief of the witness is no evidence of the fact; but his denial of a belief which must necessarily exist from other circumstances, will materially affect the witness's credit.

Mr. *Thesiger* was heard to reply.

The *Chairman* stated the Committee were of opinion the question might be put.

Thomas Carrol, again called; Examination resumed by Mr. *Cockburn*.

Thomas Carrol.

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7364. I was asking about Ivers; do you not believe Robert Ivers, the voter, the father, was in occupation of that house in Tullow-street during 1836, from 1836 to 1837?—My belief is that he was in the house.

7365. The son left the town in 1836?—I heard he left.

7366. Have you ever seen anything of him from that time in Carlow; have you ever seen anything of him as a resident in Carlow?—No.

7367. What time in 1836?—I cannot tell; I only speak from my belief.

7368. Is there any name over the shop now; over the house now; is there any business carried on in the shop by anybody?—I believe there is business carried on.

7369. By whom?—I suppose by—I do not know.

7370. Is there any business carried on on the premises at all?—I think there is business carried on at present.

7371. Of what sort?—To the best of my belief, soft goods.

7372. Grocery?—Linens, and a variety of other things, what they term soft goods, drapery.

7373. (By the *Committee*.) I thought you said this man was a grocer?—He was in 1832, 1833, 1834, but he changes his business very frequently; I understand the man has been embarrassed, and he changed his business frequently.

7374. Do you frequently go into that street?—Not latterly, since I removed my office.

7375. Is it one of the leading streets in Carlow?—It is.

7376. How often in the course of a week do you go up and down Carlow streets?—I think I was six days in the week when my office was there, since it is removed not once every two months; I live at the club-house now, and I do not go necessarily into Tullow-street at all; I have no business there.

7377. Is there business carried on there?—I believe there is business carried on; I do not know who carries it on; I positively cannot say who is the owner.

7378. Do you mean to assert as a fact that there is any business at all carried on, and if any, a business in soft goods?—I do not assert it at all; I am speaking to my belief; I positively won't swear what I do not know.

7379. Will you undertake to say you saw business in soft goods carried on there?—I may have seen it perhaps a year ago on one side of the shop; I am speaking still to my belief; I cannot charge my memory with the description of business; I understood the man to be embarrassed, and I think he changed his business frequently.

7380. Did you come over as a witness in this case?—Yes; I expected to be called before another Committee, too.

7381. Have you been summoned in this case?—I have.

7382. Since when?—Since the 4th of May.

7383. Were you then in Carlow?—I was.

7384. Upon this vote, or any other?—I believe it was principally upon the vote of Mr. Bagnal. Mr. Bagnal's was the particular vote. There was one or two; and I was summoned as being the officer of the Freemason's lodge, in which a doubt might arise on the minds of the Committee.

7385. You were not examined on Mr. Bagnal's vote?—It was disposed of the very day I arrived in London.

7386. On this vote, as I understood you; did you expect to be examined on this vote?—Not until I came to London.

7387. When were you first spoken to about this vote?—I think it was more than ten days ago; perhaps seven or eight days ago.

7388. You have taken a pretty active part in the elections for Carlow?—Generally speaking, as a man who would take a part with his friends; nothing more.

Re-examined by Mr. *Thesiger*.

Thomas Carrol.

7389. How long is it since you have left that office which you had in Tullow-street?—Very nearly a year; we built a new office, and we left it altogether.

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7390. Prior to that time you say you were there daily; since that, I believe, once every month?—I do not think I was there three times since, unless particular business induced me to go there to a shoemaker; not otherwise.

Examined by the *Committee*.

7391. You stated it is customary to grant a licence to spirit-dealers only to such people as are owners, occupiers, and householders; is that in conformity with the Act of Parliament, or is it a regulation among the magistrates?—I believe it is in conformity with an Act of Parliament. I have not seen the Act; but, to the best of my belief, it is in distinct conformity with the Act of Parliament.

7392. When you speak of the last time you saw soft goods sold in that shop, you spoke of having seen them on one side of the shop; is it the practice in Ireland for men to carry on two trades in a shop?—It is very frequently.

[The Witness withdrew.]

Mr. *Humfrey*, called in, sworn; Examined by Mr. *Thesiger*.

7393. I BELIEVE that is the book of the register of persons who obtain licences at the sessions—(*handing a book to the Witness*)?—It is a book containing the names of persons who have served notice on the clerk of the peace that they have obtained the licence.

Mr. Humfrey

7394. They are required to do so under the Act?—Yes.

7395. (By the *Committee*.) To sell spirits?—Yes.

Mr. *Cockburn* stated he objected to the book, which was produced to show that Henry Ivers obtained a spirit licence for the house; and as the licence itself was the primary evidence, this being only secondary evidence, it was not receivable.

Examined by the *Committee*.

7396. By whom is that book kept?—It is kept by the clerk of the peace.

7397. Is it a public document?—Yes.

7398. Is it a register of such licences as have been granted?—No; it contains the names of persons who have served notices on the clerk of the peace, that they have obtained a licence from the excise.

7399. (By Mr. *Cockburn*.) Do not they serve a notice upon you?—Yes.

7400. What are done with the notices; do you keep them?—The name is entered in that book, and they are not generally preserved.

7401. In whose keeping is the licence itself?—In the custody of the person who obtains the licence. It is granted by the collector of excise.

7402. You never have the licence in your hand; a notice is served on you, which notice you enter in that book, and then the notice is not preserved?—That is the case. Many persons do not give notice at all they have obtained the licence.

7403. If I understand you rightly, people give you notice they have obtained a licence?—Yes.

7404. And then you register the same in that book?—Yes.

Examined by Mr. *Cockburn*.

7405. What do you do with the notices they give you?—We make an entry in that book of the names of the persons.

7406. They bring you a notice?—Yes.

7407. What do you do with that notice?—That was previous to my appointment when that entry was made; so I cannot say what was done with the notice.

7408. Have you searched for that notice?—No.

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Examined by the *Committee*.

7409. What do you do with those notices now?—My deputy generally manages them; he receives them generally; I do not receive them, except on trivial occasions I may receive them.

7410. What does your deputy do with the notices?—He files them.

Examined by *Mr. Cockburn*.

7411. You say this book is before your time?—Yes.

7412. And ever since your time your deputy manages this?—He does; I never make an entry in that book; it is always done in the office.

7413. Do you know whose handwriting it is?—That is my father's handwriting. He was clerk of the peace at that time.

Mr. Cockburn stated another objection now existed to the book being received, because, supposing it receivable, it could only be considered as equivalent to the notice. The notice being the best evidence, that notice must be accounted for before the book could be received in evidence. The parties to this case were Robert Ivers and the persons who oppose his vote; and before Robert Ivers could be affected by any notice, it must be shown that he was privy to it. That notice had been given by Henry Ivers, and not by Robert Ivers, who could not, therefore, be affected by what Henry Ivers had done. The statement of Henry Ivers was not admissible against the voter.

Mr. Thesiger was heard in support of his right to give the book in evidence; and upon the first point he contended, that no notice to produce a notice was necessary, and quoted Phillips on Evidence, p. 670, to support that proposition, and referred to the 11th section of 3 & 4 Will. IV., by which it is declared, the clerk of the peace is to keep a register of licences granted for selling beer and spirits, and submitted this was therefore a public book. With regard to the second objection, that it was not evidence against Robert Ivers, the voter, as being a declaration by Henry Ivers, admitted that would be the case unless Robert Ivers, the voter, was a party to the notice, which in this case he was, by having sworn that the house belonged to his son.

Mr. Cockburn was heard to reply, and to contend the notice in this case was not a notice of the character referred to by Phillips. Those notices are such as notices to produce, served upon the party in the cause, and upon persons who stood in the position of the parties to the cause. The effect of the argument of *Mr. Thesiger* upon the second point was, that because Robert Ivers concurred in the statement of Henry Ivers once, he was to concur with any statement he might make thereafter.

The room was cleared.

The Committee deliberated.

Counsel and agents were called in and informed by the Chairman the Committee had resolved, that they would receive in evidence the book produced by *Mr. Humfrey*.

(*The Chairman*.) What is the book your hand in?

Mr. Thesiger stated it was headed a register of persons who have obtained a licence for the sale of spirits and other liquors in the said county, agreeably to the 3 & 4 Will. 4, for the year ending 10th October 1834; name of the person licensed, Henry Ivers; place of abode and description, house and premises Carlow; names of sureties, John Murray and Philip Newlan; observations, none.

Mr. Humfrey recalled; Examined by the *Committee*.

7414. Does not the clause of the Act of Parliament direct you to keep a register of the house occupied by the party to whom the licence is granted?—We cannot keep that when it is not furnished to us, when the notice does not specify it.

7415. I observe in that name of Henry Ivers, you put him "Henry Ivers, Carlow," without any description of the street or premises?—Yes.

7416. In

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7416. In the case of this particular voter it is "Henry Ivers, Carlow"?—Yes; that notice is served in that way. They say, "I, Henry Ivers, of Carlow, do hereby give notice I have obtained a licence."

7417. You transcribe the notice as it is sent in to you?—Yes.

7418. What is the date of that entry?—The heading of it is for the year ending 10th October 1834.

Examined by Mr. *Thesiger*.

7419. When are the sessions held?—They are held at four different periods of the year; January, April, July and October. There are particular days prescribed by the Act.

7420. Were these held on the 5th of October, do you know, or when?—I should presume it was; the date of the 10th of October refers to the period to which the licence is paid up to the collector of excise.

The *Chairman* stated there appeared to be no record of the exact date or the period the licence was obtained.

Mr. *Thesiger* stated there was none at all.

7421. I suppose them from October up to October?—Yes, precisely; the year ends in October.

Cross-examined by Mr. *Cockburn*.

7422. Are you present at quarter sessions?—Generally speaking, unless I happen to leave court a few minutes. I was not clerk of the peace until 1836.

7423. Were you in your father's office?—No.

Examined by the *Committee*.

7424. Are there any parties that you know in Carlow who have two licences?—No, I am not aware of any such.

7425. Is it the practice sometimes for persons to have houses licensed and not to reside in them; to live in another house?—I do not think that is the practice in Carlow; it is not such an extensive place as that, to require double licences.

7426. When a person resides in one house and has a licence for the adjoining one?—He may, of course, in a large place.

7427. It is not a practice required by magistrates there that the person shall either be owner, occupier, or householder of that house? Is it the practice in Carlow to require them to reside in the house?—Generally speaking it is.

7428. It is not a rule?—It is certainly a rule, because the magistrates of their own knowledge generally are aware of persons who apply for licences, and they ascertain whether they are correct and proper persons, and have proper accommodation.

7429. They may have proper accommodation, and be correct persons; do the magistrates require they should *bond fide* live in the house?—I believe it is required by the Act.

7430. The question is one of practice?—It is the practice of the magistrates decidedly, that they should be occupiers of the house.

7431. (By Mr. *Cockburn*.) In the instance of Mr. M'Mullin, do you not know that he has a spirit establishment at one place, and he resides at another?—It is so; there was an establishment of Crossthwaite and M'Mullin; Mr. M'Mullin's private residence is on the Athy road, or in Athy-street, and his office or place of business is in Brown-street.

7432. For retailing of spirits?—For wine and spirits; he is a wine-merchant.

7433. Retailer as well?—Retail and wholesale both.

7434. Does the partner, Mr. Crossthwaite, reside on the premises?—I am not exactly aware where Mr. Crossthwaite's premises are.

7435. In whose name is the licence taken out?—I do not know.

7436. He does business in a large way?—He does; he is a wine-merchant, and sells spirits.

7437. This establishment of Ivers is a different sort?—I should suppose so; Ivers's shop is in Tullow-street.

7438. Can you turn to your book and tell me which of the parties, Mr.

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M'Mullin or Mr. Crossthwaite, have had the licence?—They were licensed before my time; I do not recollect.

7439. Still it is matter of record?—[*The Witness referred.*]—There is no entry of those persons in this book; they must have obtained their licence previous to the obtaining this Act, so that it was unnecessary they should obtain a new licence from the magistrates.

7440. When there are two partners, is it the older partner or the younger partner that has the licence?—I believe they must both obtain the licence; a case occurred last session where there were two partners; both names were given in our list.

7441. It leaves the question of occupancy where it was. Is not James Burn, of Burn-street, in the same situation; whether he has not his spirit establishment and stores on the quay, and lives in Burn-street?—I do not know James Burn, of Burn-street.

7442. Mr. Alexander's clerk?—I do not know him.

7443. There is no specific rule laid down by the magistrates, then, that they should reside on the premises, that you know of?—That case of Mr. M'Mullin would show there was not a specific rule, because they are respectable persons.

7444. They are required to be occupiers of property in the town?—Occupiers of the house for which they obtain the licence; they may reside in other places, of course.

7445. Is it usual for publicans in a lower degree, in a lower situation, to live in their houses for the purpose of keeping order in their houses?—They generally have no other place of residence except the places they obtain it for.

7446. Is Mr. M'Mullin a publican?—He is a respectable man, and a grand juror; he is a sessions' grand juror.

7447. That is, in the wholesale line?—Yes.

7448. And from these other people you can get a glass of whiskey?—It is a different establishment.

7449. In Ireland, it is a common practice to have two or three trades?—Yes.

7450. More than two?—Yes, three or four, or a dozen.

7451. One part of the house would be set aside for grocery, and another part for the spirit dealing?—Yes, they constantly go together; grocery and spirit business are generally combined in the country establishments.

7452. When there are two or three trades combined in a house, one party may have the licence for selling spirits, another may be selling clothing or grocery?—Yes.

7453. (By Mr. *Wrangham*, through the Committee.) Whether the party who has the licence for selling spirits must not be the occupier of the house, or owner of the house, whatever other trades are carried on?—It is generally supposed the person who applies for the licence is the owner of the house.

7454. You mentioned an Act?—I thought it was under the Act.

[*The Witness withdrew.*]

Edward Dowling, called in, and sworn; Examined by Mr. *Wrangham*.

Edward Dowling.

7455. WERE you present at the October sessions, in the year 1834?—I was.

7456. Do you remember Henry Ivers applying for a spirit licence?—I do.

7457. Do you know the house for which he applied for that licence?—I do.

7458. Is it the house out of which Robert Ivers, his father, registered as a voter?—It is.

7459. Was Robert Ivers present when Henry Ivers came up to be heard on his application for a licence?—He was.

7460. Was Henry Ivers examined upon his oath by the magistrates on this occasion?—He was.

7461. Will you state to the Committee, Mr. Dowling, what it was, as far as your recollection serves you, that Henry Ivers swore in the presence of Robert Ivers, his father?—He proved as to the serving of notices for the obtaining of a licence, and one of the magistrates, I think it was a Mr. Waters, asked him, had not his father a licence out of the same house, he said, "Yes; that he gave the house up to him."

7462. That is, the father gave the house up to him, the applicant?—Yes.

7463. Do you remember the father being examined?—I do.

7464. Did

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7464. Did he confirm what the son had said as to having made over the house to him?—He did.

7465. He was examined upon his oath, of course?—He was.

7466. Was the licence granted on this?—It was granted to Henry Ivers.

7467. Will you tell us if Robert Ivers said anything on the licence being so granted, after he had been examined?—On leaving the table he stated, that he was delighted at having got *shut* of his vote: that is, as nearly as I can recollect, the expression, and that he would never again mix in politics.

7468. Do you remember whether he said anything as to his reason for making over the premises to his son?—He mentioned to me, in a conversation that day, after coming out of the court-house, that it was to put his son forward in the world.

7469. You say one of the magistrates inquired as to the licence being granted to the father out of the same premises?—I said, I thought it was Henry Waters.

7470. Are you aware whether it is the practice of magistrates to grant licences of this description only to the owners and occupiers of entire houses?—I am not aware of any person in the town of Carlow getting a licence unless they were a householder; I never knew it to be the practice.

7471. That is, householder of the house licensed?—Yes.

7472. Have you had occasion to make application for your own tenants, for instance, for licences?—I had.

7473. Do I understand you to say you have, in all cases, found it necessary to show the man was a householder on the premises to be licensed?—I always mention it.

7474. Was the licence thereupon granted?—It was.

7475. Have you known the premises from that time; subsequently to that October session in 1834, and known who was carrying on the business there?—I saw Henry Ivers in the house afterwards.

7476. Did you see him there acting as the master of the house, and the conductor of the business?—I did.

7477. Was that for a considerable period after the time of which you have been speaking?—I think I saw him there for 12 months.

7478. Do you know the firm of M'Mullin, Crossthwaite & M'Mullin, spirit merchants, in Carlow?—I do.

7479. Do you know whether Mr. M'Mullin lives on the premises?—I do not know, indeed.

7480. Do you know whether Mr. Crossthwaite does?—No; Crossthwaite lives in Brown-street.

7481. Where is the place they carry on their business?—Tulow-street and Brown-street, both; Crossthwaite carries on the wine trade in Brown-street.

7482. Does he live there?—He does; I was in the house with him.

Examined by the *Committee*.

7483. Are the spirits sold in Tulow-street?—In that house.

7484. Where is the spirit shop of Crossthwaite & M'Mullins?—Crossthwaite sells spirits in Brown-street too.

Cross-examined by Mr. *Cockburn*.

7485. You took no note of this, I suppose?—No.

7486. Can you undertake to say, you recollect what was stated by every applicant for a licence who has applied to the quarter sessions, from 1834 to the present time?—Do I recollect?

7487. Yes?—I do.

7488. You recollect the circumstances of every application?—Not every application.

7489. That is what I asked you?—I beg your pardon.

7490. Have you been present when other applications have been made at the quarter sessions between 1834 and the present time?—I have.

7491. Do you mean to state that you recollect the precise nature, and the circumstances of each of those applications, or any of them, from memory, without any note?—Yes, I do.

7492. Then of all the applications?—Not all the applications.

7493. I asked

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7493. I asked you all?—I recollect some of them, but I have reason to recollect that particular transaction, because I have frequently talked of it.

7494. What led to your frequently talking of it?—Why, the elections and the registry; and when Robert Ivers swore he was delighted at having got shut of his vote, it became the subject of conversation among a great number of people.

7495. Do you mean to say, you conversed with many persons on Robert Ivers having made that statement, that he was glad he had got shut of his vote?—I did, with some.

7496. Who did you state it to?—I stated it to Mr. Carrol and Mr. Finn, and to Mr. Malcolmson.

7497. Was that the Mr. Carrol who has been just examined?—Precisely.

7498. When did you mention it to Mr. Carrol?—Shortly after it had occurred.

7499. Did Mr. Carrol know of it before you told him?—He did; at least he talked to me, and he was present, if my recollection serves me; he was present when it occurred.

7500. What led to Ivers making this observation; did it come quite spontaneously from him, or was there any conversation led to it?—He made use of the observation leaving the table.

7501. As he was leaving the table, as he turned round to leave the table, he said, "he was delighted he had got shut of his vote"?—Just getting off the table.

7502. And that he would never mix any more in politics?—Yes; and expressed the same to me that very day.

7503. When after that, in the course of that day?—Coming out of the court-house.

7504. Was that at the time you mention that he said he had made over the concerns to the son, to forward him in the world?—Yes.

7505. Did he state that to you again without anything to lead to it?—Why, we met, and we conversed on the subject of the licences, upon the licences generally; and he stated to me freely, and without my asking him at all, that he was glad he was rid of politics, and that he would have nothing more to do with them.

7506. Has he had anything more to do with politics?—He has had a great deal.

7507. Has he been a very active partisan from that time to the present?—Indeed I think he has.

7508. Although he was delighted to get rid of his vote, and delighted to get rid of politics, it appears his delight was of very short duration?—Very short, it appears.

7509. Has he voted at every election since?—He has.

7510. Has he made himself very active at every election since?—Indeed I believe he has.

7511. Did he know at this time you were an active partisan on the other side?—He did.

7512. Did he assign any reason why he was glad to get rid of politics?—He said that they were not fit for a man in his station of life.

7513. Were you the witness who, in respect of some former vote, told us the man was glad; said he was glad he was shut of his vote, because politics were not fit for his station?—I am.

7514. Who was the man?—A man of the name of John Welch.

7515. The very same conversation, almost in the same words, or in the same words, took place between you and Welch?—Yes.

7516. And you have deposed to it already here?—Yes.

7517. Has Welch voted at every election since?—He has.

7518. You say you saw the son going in and out there, acting as the owner or manager of the concerns for 12 months afterwards?—Yes.

7519. Do you know what has become of him now?—He is living in Clonmel.

7520. Gone away altogether from Carlow?—Yes.

7521. During the time he was carrying on the concerns in this place, don't you know the father was living in the house?—He was.

7522. Don't you know the son had the shop, and the father had the rest of the house?—I know no such thing.

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7523. Was the father carrying on any business in the house at the same time?—Not to my knowledge, or appearance.

7524. Did anybody carry on the grocery business at that time?—Henry Ivers, in my humble apprehension.

7525. I am not asking about your humble apprehension?—From what he swore, I judge.

7526. I am asking you, during the 12 months, do you know of your own personal knowledge and observation, that he, Henry Ivers, was carrying on the grocery business in conjunction with the spirit business?—Seeing him there, I did suppose he was the owner of it.

7527. The grocery business was carried on, was it, during the time?—I think the grocery business was carried on with the spirit business; I am not positive as to the grocery business.

7528. After the son went away, which was at the end of the twelvemonth, did anybody carry on business on the premises?—I said I knew him to be there for 12 months.

7529. Did he go away at the end of the twelvemonth?—He has left Carlow about three years.

7530. From the time he left Carlow, has anybody carried on business in those premises?—Yes, I have seen several persons; I have seen a young man carrying on what we call there, trade in soft goods, cottons and stockings.

7531. Had he the shop?—The shop apartment.

7532. Did you know the father had the upper part?—I do not; I do not know what apartments the father had.

7533. Do you know the father was living in the house?—Oh, I always saw him there.

7534. At the present moment can you say, or when you left Carlow, who was carrying on business there?—The shop was occupied by a delf man, selling delf ware.

7535. The father still in the upper part of the house?—I believe he is.

7536. It is a good sort of house, is it not?—Oh, it is a capital house.

7537. Is there anything on the ground floor; is there anything besides the shop?—There is.

7538. What other rooms besides the shop?—Very fair back concerns; good back concerns.

7539. Is there a large yard?—There is.

7540. Is there a garden?—I think there is a small garden.

7541. Are there out-offices?—There are.

7542. Considerable ones?—There are good offices.

7543. How many stories are over the shop?—Two.

7544. Do you know what rooms those stories each consist of?—I do not.

7545. How many windows are there?—I cannot tell how many.

7546. In each story; you can recollect whether there is three or four?—A house three stories high; the under story, and two upper stories.

7547. Do you remember how many windows there are in front in each story?—I cannot tell; I cannot speak to numbers.

7548. I might safely put that house, with all the premises, and so on, at 40*l.* or 50*l.* a year?—The entire premises are worth 40*l.* a year.

7549. Did you attend as a witness on this vote on the former petition for Carlow, in 1838?—I did.

7550. Do you know whether, on that occasion—dn't you know he was objected to on the ground of value alone?

Mr. *Thesiger* stated, that as they were written objections they would speak for themselves.

7551. Do you know what you came over to speak about?—On the very same particular that I am now giving evidence.

7552. Or value, which?—Not value, I believe, because I would be wrong if I came over to give any evidence with regard to value; it is a good house.

7553. Did you not come over to give evidence with regard to the value of the upper part of the premises?—I did not.

7554. As separated from the shop?—I did not.

7555. You have spoken about Messrs. Crossthwaite and M'Mullin; you say Mr. Crossthwaite lives in Brown-street?—Yes.

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7556. And carries on the wine-trade there?—Yes.
 7557. Where does Crossthwaite and M'Mullin carry on their business in partnership?—In Tullow-street; that is, I speak from what I hear.
 7558. Where does Mr. M'Mullin live?—M'Mullin lives on the Athy road.
 7559. When you say you do not know, do you not know Crossthwaite and M'Mullin have an establishment with their names on it?—Yes.
 7560. And carry on business?—Yes; but I was never in the concern.
 7561. Do you know of a Mr. Byrne, a clerk of Mr. Alexander; do you know him?—I do.
 7562. Does he carry on a wine and spirit business on the Quay?—Yes.
 7563. Where does he live?—He lives in Byrne-street.
 7564. Which is not the Quay?—Not the Quay.
 7565. In whose house does he carry on the business on the Quay?—In the concerns he purchased from a man of the name of Hawkey.
 7566. Is it not in Mr. Alexander's store he carries on the business?—It is not.

Re-examined by Mr. *Wrangham*.

7567. In this firm of Crossthwaite and M'Mullin, do you know whether the mother, Mrs. Crossthwaite, is concerned in that?—I know nothing at all about it.
 7568. Do you know whether she lives in Tullow-street?—I don't know where she lives.
 7569. You say there are five back concerns, or offices, in this house?—Very good offices at the back.
 7570. Do you know for what purposes they are applied?—When I was in them I saw timber and iron; that is some years ago; I do not know what they are applied to at present, for the last three or four years.
 7571. My friend has asked you whether, after this declaration made by Robert Ivers about rejoicing over having got shut of his vote, whether he has nevertheless been active at every election since; you said he had been?—Yes.
 7572. Probably that circumstance rather served to fix on your mind the singularity of his declaration to you?—I could not forget the circumstance, for I frequently talked of it; I frequently conversed about it.
 7573. I think you stated to my friend you had given similar evidence as to Welch?—I did.
 7574. Was that the man whose vote was struck off by the Committee?—It was.

Examined by the *Committee*.

7575. You say these premises, you conceive, are worth 40 *l.* a year?—Yes.
 7576. Is it customary in Carlow to grant licences for part of a house of that value; do you know any such instance in which licences have been granted?—I never knew it unless the house was regularly partitioned and divided.
 7577. And this house is not divided?—No.
 7578. Do you know any houses in Carlow which have been so licensed which are not divided?—I do not think there is one.
 7579. How do you know the house has not been divided; have you been into it?—I was there about a year and a half ago; there was a Mrs. Bophy lodging there, and I sometimes called to see her; in fact I received her profit-rent out of that house; 10 *l.* a year.
 7580. That was after the spirit-business was given up, was it not?—It was.
 7581. You say you were in the back offices; on what occasion was that?—It was previous to Henry Ivers getting out the licence, and I was then in those back offices; I was in one of the offices shortly after he took out the licence.
 7582. You saw timber and iron there?—Yes.
 7583. Was it for the sake of trade?—Yes, to sell.
 7584. Have you ever bought any goods of Robert Ivers in these premises? I did previously to the son having it, and while Robert Ivers was in business I sometimes did.
 7585. What do you mean by "when Robert Ivers was in business"?—When Robert Ivers carried on the timber trade, and slates and iron, and such business as that.
 7586. When was that?—That was seven or eight years ago, or better; eight or nine years ago since I purchased.

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7587. Is that the most recent period you bought any goods of Robert Ivers ; you have not bought any for eight or nine years ?—I think I purchased some about six or seven years ; but I was in the habit for some four or five years previous to that purchasing from Robert Ivers.

7588. You mean to state you have purchased no goods of him since 1834 ?—I did not.

7589. Did he deal in those goods since ?—I was not aware of Robert Ivers doing business from that to this.

7590. You say you bought timber and iron from Robert Ivers ?—That was before the son got into business.

7591. Do you mean to say the son took the iron and timber trade as well as the grocery and spirits ; did the son carry on the timber and iron trade ?—I have bought some composition from the son.

7592. In what manner has Robert Ivers gained his living since 1834 ?—I cannot tell that.

7593. Was he with his father before that, assisting in the shop ?—I believe he was.

7594. The son was with the father ?—Yes.

7595. Are you aware Robert Ivers ever gave up the timber trade ?—I am not aware of what he done ; I am only aware of what he swore to.

7596. Did he swear he had given up the iron trade ?—He was not asked whether he gave up his trade or business ; he merely proved having given up the house and concerns, and then expressed his satisfaction at getting shut of his vote.

7597. Was it the house and spirit concerns, or was it the whole premises ?—I understood it was the entire premises, from his oath.

7598. Did he state so ?—He did not state so ; he stated he gave up his house and concerns.

7599. Were you and he always of different politics ?—No, we were not.

7600. Were you the same at that time ?—Not in 1834.

7601. You were different in 1834 ?—Yes.

7602. And yet he stated to you he was glad he got rid of his vote ?—Yes ; and other persons opposed to me in politics have often expressed the same.

7603. Do you know whether Henry Ivers ever made application to be registered for this house ?—Not to my knowledge ; I do not think he ever did.

7604. Do you know Henry Ivers ?—Very well.

7605. Are his politics the same as his father's ?—Decidedly.

7606. You have supported Mr. Bruen ever since he attempted to open the corporation ?—I did.

7607. (By Mr. Cockburn.) By which you mean voting for him ?—Yes, I voted for him when Mr. Bruen retired from the borough ; I then supported Mr. Finn, and then when Mr. Finn was deserted by those who, in his opinion, had a right to support him, I supported Mr. Bruen.

7608. At Mr. Finn's request ?—At Mr. Finn's request, and by my own wish.

[The Witness withdrew.]

Mr. *Thesiger* stated, he proposed to call a witness to show that the practice was only to grant licences to the party in the occupation of the house.

Mr. *Cockburn* stated, that he objected to any such evidence being received, inasmuch as the course of proceeding ought to be regulated by the law, and not dependent upon any particular course adopted.

The *Chairman* stated, it was the opinion of the Committee, that it would be material to know what the practice of the magistrates was upon the subject.

John Stothardt, called in, and sworn ; Examined by Mr. *Thesiger*.

7609. I BELIEVE you are surveying general examiner in the Excise ?—
I am.

John Stothardt.

7610. How long have you been in the Excise ?—Upwards of 22 years.

7611. Were you for some time a supervisor of Excise in Ireland ?—I was.

7612. For how many years ?—Better than eight.

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7613. You are well acquainted with the mode of granting licences there for retailing spirits and beer?—Yes.

7614. (By Mr. Cockburn.) Are you acquainted with the manner in which licences are granted in the town of Carlow?—I believe in Ireland it is all the same.

7615. (By Mr. Cockburn.) Have you personal experience as to Carlow?—I never had anything to do with granting licences in Carlow.

7616. Is the custom for granting licences the same through Ireland?—Precisely.

Mr. Cockburn stated, he objected to the evidence of the witness; and contended, that as this was evidence to show the general practice in Ireland, it was not admissible, although it might have been, if applicable to the practice of the magistrates of Carlow in particular.

Mr. Thesiger was heard in support of his right to pursue the examination, and submitted, that as this evidence was to prove the general course of granting spirit licences by the Excise, and as the course pursued in respect to the town of Carlow could not be supposed to be different from that pursued in other places, the evidence was admissible.

Mr. Cockburn was heard to reply, and contended, that as there was no regulation by Act of Parliament, defining under what circumstances spirit licences should be granted, the evidence tendered of this witness to prove the course of practice was not admissible.

The room was cleared.

The Committee deliberated.

Counsel and agents called in, and informed by the Chairman, the Committee had resolved the question might be put, and the line of examination pursued.

John Stothardt, recalled; Examination resumed by Mr. Thesiger.

7617. Are you well acquainted with the mode of granting licences for retailing spirits and beer in Ireland?—I am.

7618. In every instance within your knowledge, must the person to whom the licence is granted be the owner or occupier of the whole of the house?—He must; I never was aware of anything to the contrary.

7619. Is it not an invariable rule that he should be the owner or occupier of the house?—He cannot have a licence granted without.

Cross-examined by Mr. Cockburn.

7620. Has it ever been part of your duty to grant licences?—Many times.

7621. What were you then?—A supervisor.

7622. Is it the supervisor who grants the licences?—He does not write them; but he has them to sign along with the collector before they are delivered to the person who has to pay for them.

7623. They are printed?—Yes.

7624. And filled up?—Yes.

7625. He does not fill up the blanks?—Yes.

7626. To whom is the application made in the first instance?—For the new licence?

7627. Yes.—It is generally delivered to the officer; it goes through the supervisor's hands before the licence is granted.

7628. The application is made to the officer?—Yes, for the renewal of the licence, or upon a certificate signed by six householders.

7629. In the case of an original application for a licence?—That goes to the quarter sessions, or there is a certificate granted from there which is given to the officer.

7630. The application for the original spirit licence goes to the quarter sessions?—Yes, for the first licence.

7631. The application for the first licence goes to the quarter sessions?—Yes.

7632. And that is good for a year, is it not?—Yes.

7633. At the end of that year, if a party wants to get his licence renewed, he

he does not go to the quarter sessions, but applies to the officer of Excise?—After he gets a certificate signed by six householders.

7634. Then he applies to the officer of Excise?—Yes.

7635. Suppose a person brings the certificate signed by six householders, the original licence granted by the justices of the peace, does the officer do anything more than fill in the blanks?—Yes, the first beginner, he makes an entry of the premises from him.

7636. Is that on the first application for a renewal?—On the first licence granted.

7637. Do I understand you, on the first licence being granted by the Court of Quarter Sessions, he comes and has an entry made to the officer?—He comes to the officer with that certificate from the quarter sessions, and makes an entry of the premises he is going to sell in.

7638. On that occasion the officer does not grant him a licence?—No.

7639. The officer does nothing more than make an entry of the premises on the certificate granted by the quarter sessions?—The person makes an entry to him of the premises, and he makes a return to the collector.

7640. That is good for 12 months?—Yes.

7641. At the end of 12 months he is to have his licence renewed?—Yes.

7642. He brings the original licence, and also a certificate from six householders?—Yes.

7643. On his bringing the original licence granted by the magistrates at quarter sessions, and that certificate from the six householders, does the officer fill up the blanks?—No.

7644. What does he do?—The licence comes to the officer last; he makes out a list of the names of the persons who have given the certificates; those certificates are examined by the supervisor to see they are right, then a list of each person is returned to the collector in whose office the licence is filled up; the blanks are filled up.

7645. Does he do anything more; the collector or whoever is the party?—He has to pass a bond before he can get his licence.

7646. Before he can get his renewed licence?—Yes.

7647. What is that bond?—A police bond.

7648. To keep his house in an orderly state?—Yes; and if there be any police offence against him, to come upon the sureties if he has not sufficient property on his premises for that purpose.

7649. Does the collector do anything more if he produces his original licence and the certificate, and has entered into the bond; does the collector do anything more than fill up the blanks?—There is nothing more done then.

7650. When the collector has filled up the blanks, and the renewed licence is brought to the supervisor, does the supervisor do anything more than sign it?—He registers it.

7651. Does the party applying for the licence come before the supervisor?—Yes, the premises in which the house is must be valued by the supervisor.

7652. For what purpose?—Because the rate of the licence is according to the value of the premises.

Mr. *Thesiger* stated that was under the 6th of Geo. 4.

7653. What is the rate of payment?—If it be under 10*l.* it is two guineas a year for a spirit licence.

7654. If it be more?—I have a list taken from the Act 6 Geo. 4, c. 81, sect. 2: if under 10*l.* it is two guineas; 10*l.* and under 20*l.* is four guineas; 20*l.* and under 25*l.* is six guineas, and so it goes on according to the rate.

7655. What would be the amount payable on premises of the value of 40*l.*?—£.40 and under 50*l.* is nine guineas.

7656. That, I suppose, is an invariable scale?—It is the Act of Parliament scale.

7657. Did you ever know an instance of a man being refused a licence in respect of the premises, because he was not in the occupation of the entire premises?—I never heard talk of one applying for one.

7658. That is not an answer to my question; did you ever hear of a case that was refused because the party was not in the occupation of the whole premises?—Never.

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7659. Suppose a man had a house ; a respectable house of sufficient value ; and that person let off a room or two, or a shop to another, did you ever know of a refusal on that ground ?—I never heard an instance of it.

7660. Suppose a person dealing in a large way, in a large town, in wine and spirits, in a large establishment, let off the upper rooms of his house, the upper story of his house, to a person as a lodger, do you mean to say that would be a reason for refusing to renew the licence ?—It would be his house all the same, if he let it off for the lodger, because it would be included in the value of the house for the licence ; the whole house is included ; the court-yard and garden, and all belonging to it.

7661. Suppose a person having a large house in the way I have described, retained the upper story to himself, and let to a person wishing to carry on the wine and spirit business in a large way, let the rest of the house, with the exception of the upper story, so that the landlord would occupy the upper story, and the wine-merchant in a respectable street in Dublin or Carlow carrying on a large business in an extensive house had the whole of the house except the upper story occupied by the landlord, would that be a reason for refusing the licence ?—I never knew an instance of it ; let it be as it would, the whole house would be valued for the licence.

7662. That is not the question ; the simple question I ask is this : suppose the landlord of a large extensive respectable premises retained the one upper story for himself and his family, and let the other story and the basement to a person carrying on, or wishing to carry on, the wine and spirit business on a large extensive scale, would you as supervisor of Excise have refused that person the licence because he had not the whole of this respectable house in his possession ?—I can't answer that question, because I never had nothing of the sort before me.

7663. Would you in performance of that duty ; you are stating the custom and general practice ?—At all events I should value all the house.

7664. That is not an answer to my question ; would you have taken on yourself as supervisor of Excise, if you had been acting in Dublin, if in a large respectable street in Dublin, a person in a large way of business had been anxious to take the greater part of a large house for the purpose of carrying on an extensive wine and spirit business, and the landlord had kept the upper story for himself and family, letting the whole of the rest of the premises to a person anxious to carry on the spirit business, would you have refused the licence because he had not that upper story ; should you have refused the licence ?—I think I should have laid the matter before the Board for their consideration.

7665. You did not answer me in that way before ?—I never had an instance, nor heard talk of it.

7666. Can you tell me a single instance in which a supervisor had a case of that kind brought before him, and laid it before the Board, and the Board refused the licence ?—No, I can't ; I never heard talk of such a thing.

Re-examined by Mr. *Thesiger*.

7667. Did you ever hear talk of a lodger in a house applying for a licence ?—Never.

7668. Would such a person be refused, or not, his licence ?—He would.

7669. Is it necessary the person who has the licence should be the owner of the house, the entire house ; although he may have lodgers in the house, yet he should be the owner of the house, so that he may keep order and regularity there ?—I should consider it so.

7670. Let me understand : when a person first applies for the licence, he goes to the sessions and gets a certificate, does he not ?—Yes.

7671. Is that for the beer licence ?—Beer and spirit, according to what he is going to sell ; if he gets only one for a beer licence, he can only get a licence for beer ; if he gets for beer and spirits, he gets for both.

7672. Does he bring that certificate to the Excise-office ?—He does ; he produces that.

7673. That certificate is a licence granted for him from the Excise-office ?—After he gives bond.

7674. Now attend to this : I am speaking now of a party applying for the licence the first time ?—Yes.

7675. Never

7675. Never having had a licence before, does he pursue this course, getting a certificate, and then bringing that certificate to the Excise-office?—Yes.

7676. Has he then to enter into a bond?—Yes.

7677. Having so done, he obtains a licence from the Excise-office?—He must first make entry of the premises.

7678. Having done all that is requisite, does he then get a licence from the Excise-office?—He does.

7679. That licence, as I understand, is signed by the collector and supervisor?—It is.

7680. Is that a printed form of licence, which comes from the head office here?—It does.

7681. You have general forms?—Yes.

7682. Applicable to all cases?—Yes; the blanks are left open to be filled up.

7683. That is the case of an original licence; I suppose the licences are renewed annually?—Yes.

7684. Suppose any party wants to have his licence renewed, what course does he pursue?—He gets a certificate signed by six householders.

7685. Does he bring that to the Excise-office?—Yes; produces it to the officers.

7686. Does he enter into any new bond?—He enters into a bond annually.

7687. Is there an entry annually of the premises?—No, not unless there be any change.

7688. Is there a new licence granted, or does the old licence apply?—A new licence is granted.

7689. So that the bond is renewed annually, and the licence is renewed annually; but all he requires is a certificate of six householders for a renewal of the licence?—Yes.

7690–91. Instead of a certificate from the sessions?—Yes.

Examined by the *Committee*.

7692. Is the form of the certificate of six householders printed?—It differs from different parties; it goes thus: "He is a fit and proper person." In different places they may have different forms; some are written and some are printed; no form is given by the Act. In addition to that, there is something required, by the 6th & 7th of Will. 4, to be certified by the chief constable.

7693. Is the form of the bond, entered into by the applicant for a licence, printed?—It is; it is supplied by the Board of Excise.

7694. When the supervisor values the premises, do you take an account of the nature of the premises, the size of the rooms, and the number of the rooms?—We value them to the best of our knowledge and belief; if we cannot get at the exact rent the person does pay, we must go through the house, to put a value upon it, and also the yard.

7695. I suppose you make a regular valuation in writing, and you give it to your superior officer?—Yes; we put such a value on it as we think the place is worth.

7696. Do you enter into a description of the premises?—Oh, no.

7697. Do you go over the premises, and take the whole premises into your consideration?—Certainly.

7698. You always consider the entire premises as belonging to the person applying for a licence?—Yes.

7699. Is that as security for the payment of the money under the bond; do you look over those particulars to see if they are a security?—The amount of the bond has nothing to do with the amount of the premises; if the premises were worth 1,000*l.* a year, if they were worth 5*l.* a year, the bond would be the same.

7700. Did you not state, they took the value of the premises into consideration with a view of determining the amount to be paid on the licences?—Yes, it is so.

7701. In Dublin, have they such places as cellars they licence, as they do in London here, for dealing in wine and spirits?—Not that I am aware of.

7702. You have never observed that?—No.

7703. If a man occupies a shop, and wishes to sell spirits in one part of it,

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do you value the whole of the house and shop and business ; the whole ?—Yes, value the whole premises belonging to him ; the house.

7704. Does that fix the amount of licence he is to pay for ?—It does.

7705. When a separation has taken place, do you only take as much of the premises as the party has separated for that branch of the trade ?—No, if there be no communication with any other part ; but if it be one room above the other, we always put it the whole of the house, because I never saw a separation of that description.

7706. How long have you ceased to be a supervisor ?—Three years last February.

7707. Up to that time were you a supervisor in Ireland ?—Yes.

7708. In what part of Ireland ?—In Dublin.

7709. You resided in Dublin ?—Yes.

7710. Does your present situation of surveyor-general examiner enable you to know these facts with regard to the mode of granting licences ?—It does.

7711. Have you come over upon this vote, or how does it happen you are here ?—My present station is in London. At the present time I have been in London some time. We are in London now. At times, when occasion is wanted for us to be sent out to see after the officers, we are sent ; if not, London is where we are stationed.

7712. London is your station ?—Yes, the Excise-office.

7713. The Excise-office in London ?—Yes.

7714. All the surveyor-general's stations are here ?—The whole station belongs to London.

[The Witness withdrew.]

Mr. *Thesiger* stated that was the case against the voter.

CASE IN SUPPORT OF THE VOTE.

John Lennon, called in, sworn ; and Examined by Mr. *Cockburn*.

John Lennon.

7715. YOU are a carpenter ?—Yes.

7716. You have told us in Carlow ?—Yes.

7717. Have you known for some years the premises occupied by Robert Ivers, in Tullow-street ?—I have.

7718. How many years have you known those premises ?—I have known them, at any rate, 30 years or upwards.

7719. Have you worked for Ivers in your trade as a carpenter ?—I did, sir, several times.

1720. What were those premises originally ; were they originally one house or two ?—They were two houses.

7721. Adjoining one another ?—Yes.

7722. Immediately adjoining ?—Yes, adjoining, one side the other.

7723. Did Ivers at one time make a communication between the houses, so as to throw them into one ?—He did.

7724. How long ago ?—Twenty-four or twenty-five years ago.

7725. In what way did he make the communication between the two houses ?—Made one shop of the two.

7726. There were two houses, and two separate shops ; a shop to each house ?—A shop to each house.

7727. If I understand you, he made one shop of the two ?—Yes.

7728. Did he make any communication between the upper part of the houses ?—He did.

7729. How did he do that ?—Broke a door out of the dining-room over the other shop-room, and made a bed-room of a front room that was over the other shop.

7730. He broke a communication between the room on the first floor above the shop with the room above the other shop ?—Yes.

7731. And did he make a communication also in the upper story ?—He did.

7732. So as to make the whole one house ?—Yes.

7733. That is 24 years ago ?—Yes.

7734. Now, do you remember his son, Henry Ivers, having the shop ?—I remember his son, Henry Ivers, having a part of that shop.

7735. What business did Robert Ivers carry on before the son had part of

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the shop?—He carried on a grocery, wine and spirits, and a deal yard, and coffin mountings, and everything that was sold in a shop of that description.

7736. When did Henry Ivers have part of the shop that you are speaking of; do you recollect?—About, I believe it is, about five years ago, as near as I can think.

7737. Now, when Henry Ivers had part of the shop, in the way you speak of, what business did he carry on there?—He carried on spirits, and tea and sugar, the groceries, and things of that description; and there was coffin mountings in it, but there was no timber in the yard, barring old timber.

7738. Now, when the son was in the shop, who had the upper part of the house?—Mr. Ivers had.

7739. When you say Mr. Ivers, do you mean Robert or Henry?—I mean Robert.

7740. Did Robert Ivers continue to occupy the part above the shops?—He did.

7741. How did you get access to the upper part of the house from the shop?—From the shop door.

7742. Were there two staircases?—No, but the one staircase.

7743. In the upper part of the house you say Mr. Ivers had that; had he his family living there with him?—They were all one family together.

7744. Is he a married man?—Is it Mr. Robert Ivers?

7745. Yes?—Robert Ivers is the father of them all.

7746. Is the wife alive?—Yes, if she did not die since I left Carlow.

7747. Had he other children besides Henry?—At that time I do not believe but he had five sons and two daughters.

7748. Were they all living with him in the house?—No, they were not.

7749. How many were living with him in the house, if any?—There was one of the daughters, and, I believe, two sons; and the other daughter and the mother were at the salt water at the time I did the last job.

7750. Do you remember when the son went away?—I think I do remember well enough.

7751. When was it?—I will tell you: when there was a dispute in Carlow between the magistrates and the gauger; they were fining some of them for transferring names.

7752. About what period was it he went away?—I cannot tell you what time of the year, or anything about that; it is something about three years, or something better ago.

7753. After he was gone away, were you employed by Mr. Ivers to do any jobs in the house?—I was.

7754. What were those?—I took out a window. He was there at the time I was taking out the window.

7755. Who was?—Henry Ivers.

7756. Then as I understand you, the job you were employed to do, and which you are now going to speak about, you did before Henry Ivers was away?—Yes.

7757. What was the job?—The other side of the shop door, there was a man of the name of Tracy living in it; Mr. Ivers got liberty from Tracy to take out that window, and we put in a smaller window into it, and removed Mr. Ivers's shop door to make the two shop-windows both equal.

7758. You say Mr. Tracy was living in the shop, had he got the whole shop?—Mr. Tracy was living in the adjoining shop.

7759. Was it part of the same house; the shop in which Tracy was?—It was part of the same house.

7760. You have told us the one shop which Mr. Robert Ivers had, was formed from uniting the two shops which had formerly belonged to the two houses?—So it was.

7761. Did Tracy occupy any part of that?—You did not bring me any part back to that, that was the first commencement 24 years ago.

7762. At the time you are speaking of Tracy occupying the shop; was it part of that?—There was a part taken off and set to Tracy.

7763. When was that part taken off and set to Tracy?—That part was taken off about five years and a half ago, or six years.

7764. Was that shop taken off and set to Tracy before or after Henry Ivers took the spirit business?—Before Henry Ivers began that.

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7765. And that part of the shop was set to Tracy, and after that Henry Ivers carried on the spirit business in the other part of the shop?—Yes.

7766. Then you say you were afterwards employed by Robert Ivers to do something to the shop which Tracy occupied?—Yes, I was.

7767. Now tell us what you were to do?—There was a large window that came in, half of it or most half of it, on Mr. Ivers's shop, either two or three panes.

7768. Part of the window was in Ivers's shop, and part in Tracy's shop?—Yes; then we took out the grocery window that was on the other side of the shop door, and put it into Tracy's part.

7769. Who gave you directions, to do that?—Mr. Ivers.

7770. When you say that, you mean Mr. Robert?—I do not call the son Mister.

7771. What do you call the son?—Henry.

7772. Who paid you for doing it?—Mr. Ivers.

7773. Was that while the son was carrying on the business?—It was when the son was in it.

7774. Henry Ivers was carrying on the spirit business there, and the father gave you these directions, and paid you for it?—Yes; the window was took out of Tracy's; I cut it into two halves, and I then took down the story-post of the shop door, and I put one window at each side, so as to make the shop windows of equal size.

7775. That was while Henry Ivers was carrying on business?—Yes.

7776. Have you ever been in the house since?—Indeed I was.

7777. How often?—I cannot really tell you how often; if I would say, I was 50 times; I could swear I was there that, at any rate.

7778. Do you know Mr. Ivers, as you call him, continued to live in that house; he and his family?—I told you that; I know that house, and Mr. Ivers was in the rooms, and in the place, and I with Mr. Ivers at different times, these three, five, seven and ten years.

7779. Have you within the last twelvemonth been in that house?—I was 20 times.

7780. And are you sure that he was the inhabitant of that house, the upper part of it?—Yes, Mr. Ivers was.

7781. This part of the shop Henry Ivers had; when Henry Ivers went away, who took that part of the shop?—I saw some stockings and things in it for a while again, and then I saw a man by the name of Barrington, having chairs and tables in it, he was a cabinet-maker; since he left it there is a chinaman in, or a delfman selling in it.

7782. These people that had the shop since the time Henry Ivers went away, where did they live, where did they sleep?—They had the shop and parlour, and kitchen behind it.

7783. The upper part of the house, I understand you, Robert Ivers and his family were in?—Robert Ivers has the room that is over that shop, and he has his bed-room over the other shop that Tracy has, and two closets, and the yard, storehouse, and two or three outhouses off it.

7784. It is a pretty good yard?—Egad it is.

7785. How large?—I consider it, any rate, a couple of perch in depth, and about a perch in breadth; in some parts it is more, and in more parts it is less.

7786. Is yard property valuable in Carlow?—Very dear; if Mr. Robert Ivers had a hall door to his yard, that he had a passage to the yard, not connecting through the shop, them out offices would be cheap at near 10*l.* a year.

7787. Independent of the shop?—Independent of the shop, if he had a passage from the street through the hall door, to set them to different people.

7788. If he could set them independent of the house?—Yes, he could.

7789. To set them independent of the house altogether?—Yes, he could if he had a hall door.

7790. If he could give access to any tenant of the premises, and so could let the premises apart from the house altogether, in your opinion they would be worth 10*l.* a year?—Yes.

7791. Are they worth as much as that as accessaries to the house?—They are not to the man in the business he has in the house; Mr. Ivers has no business going on inside the house at all.

7792. Supposing

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7792. Supposing a man wanted to let that house, and the yard, and outhouse and premises, with the house, would they, to a person who wanted the house for the purposes of business; would the yard and premises be worth 10*l.* a year with the house?—Is it the whole house?

7793. Supposing you were a man wanted that sort of house for your business, and you were going to take the house and yard, would you give 10*l.* a year, in addition to the rent of the house, for the sake of having those premises and yard?—I would, if I were going into a business that they would answer.

7794. What outhouses are they?—One of them at any rate is about 12 feet wide, about 18 feet long, and in the inside of it there is a loft over part of it; there was head room enough over and under; in it I worked.

7795. Could you stand upright?—I could, and worked as a carpenter in the loft.

7796. Was that the last job you did, the job you spoke of about the shop-window?—For Mr. Ivers?

7797. Yes.—It was not.

7798. The last of any consequence?—It was the last of any great consequence; I might work a day or two; I made a couple of window frames a little while ago. When I am employed by a man, if he has only half a day's work, I go to it, to keep the customer to my hand.

7799. Although at the time you did that job part of the family were at the sea, since that time, when you were in the house, have the entire family been living with him in the house?—The whole entire family?

7800. Yes.—Some of them are living in Dublin, some at Clonmel, and some are in this country; how can they be living there?

7801. All those living in Carlow, have they been living there?—His wife and himself is living in it now; his son John, and his other son and a daughter, have a shop at this side of that again, and in business there for themselves; they are in a shop two doors off.

7802. Such members of the family as have lived with him, have they lived with him in that house?—They have; he never was out of possession.

Cross-examined by Mr. *Thesiger*.

7803. Do you happen to know Henry Ivers became embarrassed; do you know what embarrassed means?—That he got in debt?

7804. Yes.—Henry Ivers?

7805. Yes.—I never knew of that.

7806. Do you know about the time when he left Carlow?—Yes.

7807. Don't you know he was obliged to leave Carlow from being embarrassed?—I did not know that.

7808. Did the business fail?—I believe it did.

7809. Then he took leave of it, did he?—I believe so.

7810. Made his bow to it, and went to Clonmel?—I think it is down there he is; he is married down there I understand.

7811. You have spoken of 24 and 25 years ago, and as long as 30 years ago; were you present at the time all these alterations were made?—Some of the times, and many more I was not; but I am making use of the time I was at the place 30 years ago.

7812. Since Henry Ivers left, the spirit business has not been carried on on those premises at all?—No, it was not; not to my knowledge.

7813. There have been soft goods?—There were.

7814. Then the chairs and tables?—Yes.

7815. And then the crockery?—Yes; china and delf.

Examined by the *Committee*.

7816. You say there is only one staircase in this house?—That is all; that is, one pair of stairs, they go upon the top after one another.

7817. You say that the house was formerly two houses?—Yes.

7818. Then had they not two staircases?—But they were both knocked down and made one of; the man Tracy has no call to any part up stairs.

7819. No access to the up-stairs room but going through the shop; you are obliged to go through the shop?—You are obliged to go through the shop; I had business with Mr. Ivers about six or eight months ago; he had the key to keep where

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where I was at work, and in the morning I used to rap or throw gravel against the window, and he would come down; Barrington lived there at that time, and he would come down, unlock the door, and let me in; he was superintending buildings for Mr. Josh. Haughton.

7820. What portion of property do you say Tracey occupied when he was there?—A little shop and a little back room behind it. That is all Tracey has, and I know he does not sleep in it, I believe, unless he has a little boy that sleeps inside the shop.

7821. Which side of the shop did Tracey occupy; did he occupy the whole shop?—No, only a little shop, about nine feet in the front.

7822. Was that on the side where the spirits were sold, or on the other side?—When I went into Mr. Ivers's shop door.

7823. (By Mr. *Thesiger*.) There is a separate entrance to Tracey's shop?—Yes.

7824. There are two outer doors to the premises?—There is; Tracey has his own.

7825. One by which you go into Tracey's shop, the other by which you go into Ivers's?—Yes.

7826. When was the separation made?—It was made before Tracey went to live in it. And there was a man living in that before Tracey went into it, who was selling remnants of calico and things; by the week he had it, or by the year.

7827. Did Barrington go afterwards?—No; Tracey has his own; Barrington went into Mr. Ivers's shop. Now the chinaman has it.

7828. What part did Barrington occupy?—The shop, parlour, and kitchen; the three are after one another in depth.

7829. The whole of the shop that was under that part occupied by Ivers; the whole of the remaining shop; one part of the shop is let off to Tracey, separated by a separate door, and Barrington had the remainder?—Yes, at that time.

7830. He had shop, parlour, and kitchen?—Yes.

7831. The parlour was down stairs?—Yes, the parlour was behind the shop, and the kitchen was below that again.

7832. You said Mr. Ivers had a parlour up stairs?—His dining-room is up stairs, and his bed-room; those are over both the two shops; and two closets he has.

7833. What are above; there is something above Mr. Ivers's room?—There is another story above that.

7834. Who has that?—And there is two rooms below, over the shop and parlour, over the parlour and kitchen.

7835. Who has that?—I cannot tell you his name, but I will go as near as I can to it; he is a guager, he has them two rooms, and pays Mr. Ivers.

7836. (By Mr. *Thesiger*.) Have you seen him pay?—I will tell you what—

7837. Have you seen him pay?—No.

7838. What do you know?—That man has a part over where Barrington had his kitchen and parlour; Blackburn, or something, his name is; there is a Black in it.

7839. (By Mr. *Cockburn*.) Which rooms are you speaking of; those over the shop?—No, over the kitchen.

7840. And the parlour behind the shop?—Yes.

7841. Who has the rooms up above Ivers's own rooms?—I believe Ivers himself has.

7842. Robert Ivers carried on the spirit business before his son took it, did he not?—Yes.

7843. Whose name was over the door?—Robert Ivers.

7844. When Henry succeeded his father, whose name was there over the door?—There was a length of time between the time that the father dropped it before the son came to it.

7845. For some time the business was given up, I suppose?—Yes, it was.

7846. For how long a time was the business given up?—I could not exactly tell you. I will tell you this; Mr. Ivers, from the rent of the whole establishment, told me that his licence was so heavy.

7847. Do you know when Henry Ivers came into the business?—I believe it was about five years ago.

7848. Did Mr. Robert Ivers fail, or what was the reason he gave up the business?—I believe he got too poor.

7849. Do you remember the name of Robert Ivers being rubbed out from over the door?—I remember that I seen Barrington's name over the door; and I seen his son's name over the door.

7850. That is, the name of Henry Ivers?—Yes.

7851. You saw the name of Henry Ivers over the door?—Yes.

7852. Do you recollect when that was?—I believe it is something about five years ago, or something thereabout.

7853. When Henry Ivers quitted the business, was his name scratched out then?—I believe not. It remained for some time over the door; and then, when Barrington went and opened the place, he put his name, cabinet-maker, upon it.

7854. During the time that Henry Ivers was carrying on the spirit business, was the father carrying on any business?—No, no business whatever.

7855. What became of the timber business then?—The timber business was done away before Henry Ivers came there at all,

7856. During the time Henry Ivers had the spirit business, whom did you consider the master of the house?—Egad! I considered Mr. Ivers himself the master.

7857. What did you consider Mr. Henry Ivers?—Egad! I did not know what to consider about his name being over the door in preference to the father.

7858. Did Mr. Henry Ivers ever tell you that his father had given up the business to him?—No, never told me, and I never axed him.

7859. Had Henry Ivers any other dwelling in Carlow beside the premises we are now talking of?—Oh, no, not as I know of; he was a young man at the time; after that he got married down in Clonmel.

7860. During the time he was carrying on the spirit business, had he any other dwelling in Carlow?—Not as I know of.

7861. Do you happen to know whether the young man took his meals as a member of his father's family? Did Mr. Henry Ivers take his meals as a member of his father's family?—He did, altogether; they eat altogether, the same as they always done.

7862. Did you ever see him breakfast and dining with his father?—I did, sure, and eat with him.

7863. When Henry Ivers went away did he owe you any money?—I do not think he ever owed me any money, for I never worked for him.

7864. All the work you did in that house was for the father?—All the work I done in that house was for the father.

7865. Did you ever do work while Henry Ivers was there?—I did.

7866. Carrying on the spirit trade?—I did; and then I worked for the father at another house.

7867. Do you know who kept the key of the house, the key of the shop door through which the access was? Is it within your knowledge who kept the key of the house door; the shop door?—Why, then, on the mark of my oath, I do not think it was a key, but a bolt, and whoever was down first opened it.

7868. Do you know who kept the key?—I know Mr. Ivers used to open it regularly.

7869. Did you ever see the key?—There was no key, to my knowledge, to the shop door, only a bolt to cross it, and a couple of bolts, one up and one down, or wooden bolt.

7870. Was there no lock to the outer door?—Not one as I know of.

7871. Were there more street doors than one?—To that house?

7872. Yes.—Not to that house.

7873. Only one street door?—That is all.

7874. And that was through the shop?—Through the shop.

7875. What does Robert Ivers do to gain his livelihood? how does he live? has he any occupation?—He has land, and he has profit-rents.

7876. He has property of his own; he is a man of property?—Yes.

7877. When Henry Ivers went away, owing to his embarrassment, was there a sale of the furniture of the house?—I understood there was a sale of what little kegs —

7878. (Mr. *Thesiger*.) What did he sell; did you see a sale there?—I did not; I was not in the place at that time to see it.

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7879. (By Mr. Cockburn, through the Committee.) The next time you went there did the furniture that had been in the shop previously to Henry Ivers leaving, still continue there, and did the part occupied by Mr. Ivers still remain as it was; is the same furniture in the house, in some degree, to your knowledge, that there was previous to Henry Ivers occupying that as a spirit shop?—It is.

7880. The furniture up stairs is there still?—The furniture up stairs is there still.

7881. Do you remember any part of the furniture?—I remember every part of the furniture; and I was looking at them when I was there not a month ago.

7882. None of it disappeared when Henry Ivers went away?—None of that at all had been touched by Henry Ivers when he went away.

The Witness withdrew.

Patrick Bolger, called in, sworn; and Examined by Mr. Cockburn.

Patrick Bolger.

7883. YOU are resident at Carlow?—Yes.

7884. Do you know the premises occupied by Robert Ivers in Tullow-street?—Very well.

7885. How long have you known them?—I have known them ever since I can know any premises; I was born in the street.

7886. You recollect them as long as you can recollect anything?—Yes.

7887. Have you known Ivers well?—Very well.

7888. What does the house consist of; there is a shop on the ground floor?—There is a shop; several apartments on the ground floor; it occupies a large space in front of the street; it was originally two houses.

7889. Turned into one?—Turned into one by Mr. Ivers.

7890. And the entrance to the house through the shop door?—There was a hall door and a shop door; the hall door now, I think, belongs to a part of the premises which he has set.

7891. To Tracy, do you mean?—To Tracy.

7892. That goes to Tracy's shop?—That is Tracy's shop door now.

7893. There is no access, I believe, to the rest of the house from Tracy's part?—Not to my knowledge.

7894. Do you know the premises behind?—I do.

7895. Is there a yard?—A yard and garden.

7896. Is it a considerable yard?—It is a long yard; Mr. Ivers built upon a considerable portion of it, and took away the yard. It is a long narrow yard, and to the rear of that again there is another yard, which was formerly a garden.

7897. And is there a garden besides, then?—It may be a small one.

7898. Is there any?—I will not undertake to say the garden has not been turned into the yard.

7899. Was there a garden at any time?—There was a garden.

7900. Was there a garden besides the yard you are speaking of?—Yes.

7901. What out-offices are there?—There are sheds where Mr. Ivers kept timber and iron; there is a range of apartments, the kitchen and outhouses; I cannot particularize them.

7902. Do you remember Mr. Ivers giving up the spirit business?—I do; I cannot be particular as to the month, but about the period I can speak of.

7903. When was it?—It was about 1832.

7904. Do you remember afterwards, in 1834, his son taking the spirit business, Henry Ivers?—I think it was between 1832 and 1835.

7905. You do not remember the precise period?—No, not the precise period.

7906. Can you tell me how long the son continued to carry on the spirit business?—Couple of years or thereabouts; it might be more; not much more, I should imagine.

7907. Might it be less?—Not a great deal less.

7908. During the time the son carried on the spirit business in the shop, who occupied the upper part of the house?—Robert Ivers, the father.

7909. Did his wife and family live with him in the upper part?—Yes.

7910. Were you ever in the house yourself during that time?—I was.

7911. Can you tell me, did Robert Ivers and his family occupy the whole of the upper part of the house?—I cannot speak as to what portion of it he occupied,

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pied, or what portion his son occupied beyond the shop and the under apartments, probably the parlour or the kitchen.

7912. Did Mr. Robert Ivers and his family occupy the upper part of the house?—I know he has occupied the first floor.

7913. And the son, do you know whether he lived by himself, or did he live with the father as part of the father's family?—To my knowledge the house was not separated, and I saw no difference between the terms he lived upon while he was conducting the business to that which he did previously.

7914. Do you happen to know whether he took his meals with his father's family?—I cannot speak as to that.

7915. You saw no difference in the manner he lived afterwards from what there was before?—No difference.

7916. While he was carrying on the business did you ever go into the shop?—I did; I must have gone in several times.

7917. Do you happen to know whether his mother, and his brothers and sisters, assisted in carrying on the business in the shop after he took the spirit licence?—I saw them frequently behind the counter.

7918. His mother, and his brothers and sisters?—Certainly, a sister.

7919. Do you remember his leaving; Henry Ivers leaving and going away?—I think he went away about 1836, or thereabouts.

7920. After that to whom was the shop let?—I cannot say.

7921. Has it been let to different tenants from time to time since the son left?—I believe it has; I think it has.

7922. Has the father, Robert Ivers, and his family, continued to occupy the upper part of the house as they did before?—I saw no difference.

7923. Do you know whether or not Robert Ivers sets any part of his house to lodgers?—I believe he does.

7924. Have you seen people on the premises?—Oh, yes, I know.

7925. Do you know what portion?—I cannot say.

7926. Do you know, since the period of his son's leaving, he has continued to occupy the first floor of the house in which you say you had seen him yourself before?—I do not think I have been it for the last twelve months.

7927. Up to the last 12 months did he still continue to occupy that upper story?—Yes. Perhaps I am wrong in saying I have not been in it; I have been in the shop since, but not up stairs.

7928. What, Mr. Bolger, in your opinion would be the annual value of the entire premises to let, house, shop, and back premises together?—Why I have a knowledge of what he does pay for it.

Mr. *Thesiger*: That can only be from Ivers himself; answer the question as to the value.

The Witness: I am sure the premises would set for forty guineas a year.

7929. Take away the shop, what would the rest of the premises set for, including the upper part of the house and yard, and the back premises altogether?—Do you mean to a lodger?

7930. I mean to a tenant. Suppose, for instance, that house was yours, and that you did not want the shop, and a party was disposed to take the shop, what would you, retaining the rest of the house for your own use, set the shop to him for?—I am sure there might be 15*l.* a year got for the shop, and the accommodation of a parlour or kitchen, or a place of that kind.

7931. Taking away the shop, parlour, and kitchen, you would estimate that at 15*l.* a year?—I would estimate the remainder at the difference of perhaps 25*l.*; taking them all at about 40*l.*, or 40 guineas.

7932. You think the upper stories of the house, the two yards, and out-offices which are situated in the yard, you might set annually at 25*l.*?—I think they would bring 25 guineas.

7933. Have you any doubt they would bring 20*l.*?—Not any doubt at all.

7934. Are they in good repair, the premises?—They are; Mr. Ivers, I may say, rebuilt the house.

7935. How long ago, do you know?—More than 20 years ago; about 20 years ago probably; I have no particular recollection as to the time.

7936. Has it been kept in good repair since?—Yes; Mr. Ivers is a builder, and I believe was very particular in keeping it in repair.

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7937. Ivers was a builder himself?—Yes, he has a very general knowledge of building, and to my knowledge was very particular in keeping it in repair.

7938. What is your estimate of the yard and back premises?—I would not undertake to put a value on those, unless they had a passage through the street.

7939. Supposing there were the means of communicating with them, what would you suppose them to be worth by themselves?—I would not; in fact, there would be various estimates as to their value; I would not undertake to say what the yard; probably, in the situation it is in, that they would be valued for 10*l*.

7940. You mean in Tullow-street?—Yes.

7941. That, we have heard, is a good situation for business?—The best, for some businesses, in Carlow.

7942. Yard property is valuable, is it?—Yes.

7943. As an acquisition to the houses?—Oh! yes.

Cross-examined Mr. *Thesiger*.

7944. What value would you put on these back premises, without any access to them at all?—Oh! very little.

7945. By very little, what do you mean?—Why, I do not see anything that they could be useful for; any business, if there was not a way to get to them.

7946. And therefore they would be of no value?—Oh! decidedly so; for if the tenant or person occupying them owned the house —

7947. As accessory to the house is another thing; you have been asked to put a value upon the yard and out-offices, and you say, if they had an access to them, which they have not, you would then think they would be worth 10*l*. a year; suppose they had no access, would they be of any value?—They must be of some value, but a value greatly reduced, in consequence of want of access.

7948. You have known these premises all your life?—Yes.

7949. How long ago is it since the alteration was made of turning two houses into one?—More than 20 years ago, or about that.

7950. Was it at the time the premises were rebuilt?—Yes. Oh! I think the partition, or parting wall between them was taken down, and afterwards Mr. Ivers rebuilt the entire, and made them into one house; he threw down the front wall, and made considerable improvements.

7951. I think, Mr. Bolger, we have heard you are the editor of some paper?—I am.

7952. What is the name of it?—The *Leinster Independent*.

7953. Do you attend the registration at sessions?—Sometimes I have.

7954. Did you happen to be present at the October sessions in 1834?—I rather think I was not; I was not.

7955. You do not remember, then?—I do not remember that I was.

7956. Do you remember, perhaps it may call it to your recollection, Ivers coming there to get a transfer of the licence?—No, I do not.

7957. You do not remember that?—I do not.

7958. I suppose you take an active part in elections, as we are to put those questions?—Why, I do, occasionally.

7959. And your paper too?—Always.

7960. Sometimes you get into a little trouble, as newspaper editors do?—Indeed I have, more than I would wish.

7961. Prosecutions for libel?—Yes; unfortunately the law terms even truth a libel.

7962. And for some of your truths I am afraid you found your way into a strong room?—To the prison of Kilmainham.

7963. How long were you imprisoned there for the truth?—About nine months.

7964. And then you were delivered?—Yes.

7965. There was no hard labour?—Except occasionally for amusement. I went upon the tread-mill.

7966. There was one occasion: do you know Mr. Dowling?—Yes.

7967. I am afraid there was some libel in your paper upon Mr. Dowling?—There was what was called a libel.

7968. It was what was called a libel; did you afterwards, by way of apology, state

state that all you had written was "false, malicious, calumnious, and scandalous"?—No, sir, these were terms dictated to me; I was dragged into the Court of King's Bench, and under the advice of counsel I sent a *carte blanche* to Mr. Dowling, under the advice of counsel, through the mediation of friends; and whatever he wrote, I published in the paper.

7969. And did he write upon this *carte blanche*, did he write that what you had written was "false, calumnious, malicious, and scandalous"?—I believe he did, and a great deal more.

7970. And did you publish that and a great deal more?—I published whatever he sent me.

7971. With your name to it?—I forget, really, now.

7972. Try again?—I dare say my name may have been attached.

7973. Have you any doubt of it?—I have no doubt of it.

7974. Was that nine months the only time you were in gaol?—A short period after.

7975. Was that for more truth?—Why, really it was connected with the matter; Mr. Cavanagh, Colonel Bruen's father-in-law, instituted what is termed a civil action against me, and got damages to a large amount, and in consequence I was further subjected to imprisonment.

7976. And did you pass through the Insolvent Court too?—I did; the damages exceeded 1,000*l.*, and I think he got 360*l.* out of them.

7977. Did you plead the truth?—I did not plead at all; I suffered judgment to go by default.

Mr. Cockburn objected to this course of examination, as the witness's vote was objected to upon the ground of insolvency.

Mr. Thesiger stated he had not asked the question with a view to the witness's vote, and as he had not asked the time of the insolvency, it could not affect the vote, as the insolvency must be after the registry to invalidate the vote.

7978. You suffered judgment by default?—Yes.

7979. And then you went by default yourself?—Yes.

Re-examined by Mr. Cockburn.

7980. What was this libel upon Mr. Dowling about?—It was relative to some placards and letters which he was accused of writing upon a Rev. Mr. M'Donald, a priest, who lived convenient to the town of Carlow.

7981. What became of the Rev. Mr. M'Donald?—He died.

7982. And, I believe, you ascribed his death to those attacks?—I did.

7983. And did you at the time believe that Mr. Dowling was the author of those letters?—I do; I believed then, and I believe now, he was.

7984. Whatever might have been your belief, you say he had been charged with it?—Yes.

7985. Whatever might have been your belief, having made that statement, had you the means of proof?—I had several conversations with Mr. Dowling upon the subject, and there were also some circumstances connected ———

7986. Had you such means of proof as would have enabled you safely to go to trial upon the subject?—No, I had not; Mr. Dowling got possession of that.

7987. Of what?—Of those documents; of the documents themselves.

7988. Do you know how; who had possession of them before Mr. Dowling had them?—A magistrate who lived in Greigue, a Mr. Jackson.

7989. Had he possession of them before?—There was an investigation when Mr. Dowling was accused of writing those matters; there was an investigation, and they were given to Mr. Jackson. Mr. Dowling instituted an action against a Mr. Finn for having charged him with being the author of those letters, and Mr. Jackson was summoned upon the trial, and from a report of the evidence given by him there ———

7990. Was that what the action was brought against you for?—A similar thing.

7991. What were you going to say about the report?—A newspaper report states Mr. Jackson swore upon the trial that they were surreptitiously taken out of his office by Mr. Dowling, and a clerk of his.

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7992. Without pledging you to the truth of that report, were you in a situation, in consequence of the absence of the documents to meet, Mr. Dowling in a court of law?—Certainly not.

7993. In consequence of that inability, did you submit, rather than go for nine months more to Kilmainham gaol, to put your name to whatever he proposed to dictate?—Under the advice of counsel I submitted.

7994. This attack on Mr. Cavanagh, on which you had to go through the Insolvent Court, what was that about?—Why, I accused him of being a papist in the early part of his life, and said he served mass, and matters of that kind; there might be a little harshness in the matter, at least I apprehend there was.

7995. What did you go on to say?—I went on with the history of Mr. Cavanagh; that he was a Roman-catholic up to a certain period; it was indeed at the time of an election, when we thought perhaps such matters might be fairly turned to account; not from any bad feeling on my part towards him; I then went over those matters, reviewing them; the consequence was an action was brought against me as the proprietor.

7996. Did you charge him with being an apostate from his religion?—I believe I did.

7997. (By Mr. *Thesiger*.) Did you charge him with being “an apostate, and the judgment of Heaven would fall on him, being a renegade to his God and his country”?—I do not recollect the words of the article now.

7998. Was it for that a Carlow jury gave 1,000*l.* damages?—No, but a corporation jury in Dublin did.

7999. That is the whole matter, is it, for which the corporation jury in Dublin gave 1,000*l.*?—That is the pith of it.

8000. Was it a fact that the gentleman had been a Roman-catholic?—I have no doubt of it.

Mr. *Thesiger* stated he objected to these questions.

The *Chairman* stated the witness ought to be allowed to explain the transactions as to which he had been cross-examined.

Mr. *Thesiger* was heard to submit this line of examination ought not to be permitted to be pursued.

Mr. *Cockburn* was heard to support his right to explain a matters elicited in cross-examination.

Mr. *Thesiger* replied.

The *Chairman* stated it was the opinion of a majority of the Committee that the question ought not to be put.

The room was cleared.

The Committee deliberated.

Counsel and agents were called in, and informed by the *Chairman* that the Committee had more formally considered the matter, and had come to the determination, that the last question and answer ought not to be expunged; at the same time the Committee wished him to state that they felt the re-examination had proceeded far enough upon that point, and they requested it might not proceed any further.

Mr. *Cockburn* stated he had no further questions to put to the witness.

[Adjourned to To-morrow, at Eleven o'clock.]

Mercurii, 22^o die Maii, 1839.

GEORGE GROTE, Esq., IN THE CHAIR.

Names of the Members called over ;—All present.

Case of the Vote of *Robert Ivers* resumed.

Mr. *Paul Cullen* called in ; sworn ; Examined by Mr. *Cockburn*.

8001. YOU are a physician residing at Carlow ?—I am a surgeon and an apothecary. Mr. *Paul Cullen*.

8002. Do you know Robert Ivers, living in Tullow-street ?—Yes, I do. 22 May 1839.

8003. How long have you known him and his family ?—For eight years last March.

8004. Have you been in the habit of attending on him and his family professionally ?—I have been in the habit of attending some of Mr. Ivers own family, and persons who are in lodgings there.

8005. Have you done so for the last eight years ?—I have since the year 1832, up to the last year.

8006. Did you know his son Henry ?—Yes, I did ; I attended him in a fit of illness.

8007. We have heard the father, Robert Ivers, carried on at one time the business of grocer and spirit dealer ?—Yes, when I came to Carlow he was doing so.

8008. Do you remember his giving up the business to his son Henry ?—I have been told that he did.

8009. Do you know about what period ?—I think it was in 1834 or 1835 ; I am not positive as to that fact.

8010. Do you remember the son going away from Carlow ?—Yes, I do ; he went to Clonmel, got married there, and went into business.

8011. Do you remember about what period he went away ?—Upon my word I cannot exactly say.

8012. A year or two ?—I should think about 1836.

8013. Has he lived in Clonmel since ?—Yes.

8014. At all events he has not returned to Carlow ?—No.

8015. From 1834 to 1836 who was occupying the part of the house above the shop ; who lived in it ?—Whenever I had recourse to the house, I found Mr. Ivers and his family there ; that is, Robert Ivers and his family, occupying a drawing-room and a bed-room inside of it.

8016. Was that the drawing-room and bed-room over the shop ?—Yes.

8017. The first floor ?—Yes.

8018. When you had occasion to go to the house, were those the rooms you went to, to see such members of the family as you were called upon to see ?—The first time I visited the family I was shown into the parlour below ; at that time the shop and all were in the occupation of Robert Ivers ; then, after the shop had been in possession of the son Henry, I was always taken up stairs into a drawing-room belonging to Robert Ivers, to wait there until a communication would be had with the patient I was wanting to see.

8019. Were these persons lodging in the house ?—They were ; and on almost all occasions it was Mrs. Ivers, the wife of Robert Ivers, who took me in there.

8020. Who took you into the lodgers ?—Yes, and either took me herself, or sent to the parties to apprise them of my coming.

8021. When you attended Henry, was that during the period he had the shop, or before ?—I am not distinct upon that point ; I could not give evidence as to that fact.

8022. Can you tell me whether, during that time, he was living as one of his father's family, or was he living separately ?—I know this much of the connexion

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between the family, that Robert Ivers's other children assisted him in doing business in the shop; whenever I went in there I saw a child of his, I think his eldest sister Charlotte, behind the counter.

8023. During the time the son was said to be, as you say, in the occupation of the shop?—Yes.

8024. Do you know where the son Henry took his meals?—I do not.

8025. Are you at all acquainted with the value of house property to let in Carlow?—Yes, I have been laying out some money in improving houses, and I have some knowledge, not as extensive as others probably, but I have some knowledge.

8026. What should you say was the value of those premises to let? are you acquainted with the back-yard and back premises?—No, I have no knowledge of those.

8027. Independent of those, what should you take the house and shop to be worth a year to let?—Take the house altogether, and from the way that house property lets in Carlow, and particularly in Tullow-street, which is a main street and a leading street, I would say that house is worth 40*l.* a year.

8028. Taking away the shop, and parlour which is attached to it, what should you say the upper part of the house would be worth; supposing you had to let off the shop and the parlour which is adjoining to the shop; you were the landlord of the house, and retained the rest in your own possession, what would you let the shop and parlour for?—I think the shop and parlour ought to be worth 12*l.* or 14*l.* a year.

8029. The son, you say, went away about 1836; since that time has the father continued to occupy that part of the house that he did when the son was there?—He has.

8030. Has he lodgers, as he had before?—Yes, I attended two persons who lodged there; I attended the daughter of a Mrs. Broffey in that house, who lodged there; and I also attended the wife of Mr. Blackmore, an officer of the Excise.

8031. In that same house?—Yes.

8032. He was lodging there?—Yes.

8033. Was Mrs. Ivers, as before, the medium of communication between you?—Yes; almost on every occasion I went there either Mrs. Ivers or one of her family was the person who came down to meet me, and who took me up into the drawing-room, to wait until the parties that I was going to visit would be apprised of my coming.

8034. That has continued to be the case down to the present time?—I have not been into the house within the last year, that is within the present year; but I attended Mrs. Ivers last year in the same apartment that I found her in before.

8035. The shop; has the shop been in the occupation of different persons since then?—Yes; I also attended the child of a man of the name of Barrington, a cabinet-maker, who had the shop taken from Ivers since Henry Ivers left.

8036. Do you know a man of the name of Cochrane, that sells spirits or did sell spirits?—Yes; I know three or four persons of that name.

8037. John Cochrane?—Yes; I do.

8038. Where does he live?—He is gone to America now; he did live in the upper part of Tullow-street, a good distance from Ivers.

8039. When was that; how long ago?—He was living there in 1831, when I came to Carlow, and he continued there up to the year before last; he got into difficulties and was obliged to fly the country.

8040. Did he sell spirits?—He did; he sold grocery and spirits.

8041. The same as Ivers carried on his business at one time?—Exactly.

8042. Do you know whether the house in which he sold grocery and spirits was his own or another person's?

[The Witness was ordered to withdraw.]

Mr *Thesiger* was heard to object to the question, as having no relevancy to the question before the Committee.

The *Chairman* stated it appeared to him it had a most material bearing on the case, as witnesses had been brought forward to show the uniform practice had been the other way.

The Witness recalled, and the Examination continued by Mr. Cockburn.

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8043. You were speaking about John Cochrane; you say he lived in Tullow-street and carried on the business of a wine and spirit merchant; I asked you whether the house, to your knowledge, was his?—

8044. (By Mr. *Thesiger*.) Have you any personal knowledge as to his being the owner of the house or not?—I have.

8045. (By Mr. *Thesiger*.) Personal knowledge?—Yes.

The *Chairman* stated he did not conceive it was proper to push the question to such extent as to the witness's personal knowledge.

The *Witness*.] Am I at liberty to explain as to the personal knowledge?

8046. Explain what you mean.—The personal knowledge that I have is from the information of Cochrane himself; I wish the matter should not be misunderstood before the Committee.

8047. Have you been upon the premises?—I have.

8048. Who lived in the house?—John Cochrane, Thomas Cochrane, and a sister of theirs.

8049. Who is Thomas Cochrane?—He is the brother of John.

8050. What part of the house did Thomas Cochrane occupy?

The *Chairman* stated the witness must confine himself to matters within his own knowledge.

8051. Had he an uncle of the name of M'Quain?—Yes.

8052. Do you know of your own knowledge M'Quain was in possession of part of the premises of which the house consisted?—He was.

8053. What were the premises; what did they consist of?—They consisted of a dwelling-house, which was divided into two parts; one part in the possession of John Cochrane and the other part in the possession of a man named Molloy, that part Molloy has left, and O'Neal now keeps.

8054. How was the house divided?—This was a dwelling-house, on which there was also erected a very extensive malt-house; the entire premises belonged to John M'Quain, the uncle of John Cochrane.

8055. Did M'Quain occupy the malt-house?—He did.

8056. Was there any division between the malt-house and the dwelling-house?—Not in the part that Cochrane occupied, but in the part that Molloy occupied. I mean to say by a division, there was the wall, the back wall of the dwelling-house, which joined the wall of the malt-house; and there was a door leading in from one into the other; there was also a garden; there was also a garden which was in the possession of Cochrane.

8057. You say the dwelling-house was divided between Cochrane's and Molloy's house; in what way was it divided?—The doors and communication were shut up by brick and mortar; there was a yard attached, also, to Molloy's house, which was shut out from the malt-house.

Examined by the Committee.

8058. During the time that Henry Ivers carried on the spirit business was his name over the door?—That I cannot say.

8059. Were you in the habit, at the time he kept the spirit business, of frequenting the house and attending him as a professional man?—I was in the habit of attending a portion of the family; not Henry; I think it was before. I am not certain as to the time Henry was ill, whether it was while he was in occupation of the shop or previous to it.

8060. You cannot say whether his name was over the door?—No.

8061. During the time Robert Ivers carried on the spirit business was his name over the door?—I cannot say; probably it is not evidence, but to the best of my belief the name Ivers was over the door; but not Robert or Henry. I just merely state that, without being able to verify it on oath.

8062. Have you ever been present at any of the registration sessions in Carlow?—I have frequently been present.

8063. Were you present at the registration sessions of October 1834?—I cannot say, on my oath, whether I was or not.

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8064. Did you ever have any conversation with Robert Ivers, the father, respecting his having given up his business to his son?—No; I never had any communication whatever with Ivers on that subject, but merely the hearsay of the town, reports of the town.

8065. Who did you consider master of the house, Robert or Henry, during the time that Henry carried on the spirit business?—Upon my word and upon my oath, I looked upon Ivers, Robert Ivers, to be always the master of the premises; and I thought it was a mere cloak for Robert Ivers to have his son in the possession of the shop. The man was placed in great difficulty at the time, and I thought it was a mere subterfuge, on the part of Robert Ivers, to have his son have the name of carrying on the business there.

8066. What made you imagine Robert Ivers was the master of the house?—Because I always found his family residing there whenever I went in it; and, what is more, my assistant has been paid the bill.

[The Witness withdrew.]

Robert Haughton, called in; and affirmed; Examined by Mr. Cockburn.Robert Haughton.

8067. YOU have told us you are a magistrate of Carlow?—Yes.

8068. Are you in the habit of attending the quarter sessions?—Yes.

8069. Have you attended the quarter sessions when applications have been made for licences, for spirit licences?—Whenever at home, I uniformly do.

8070. Now, can you tell me whether there has been any rule adopted, and acted on by the magistrates, of not granting licences to persons unless it was shown they were in the entire and sole occupation of the house?—I never heard of such a rule. Any rule made by the magistrates is generally entered, I believe uniformly entered, on the quarter sessions, book and if there be any such rule in existence, it ought to be on record there; that book is now in London I understand.

8071. In whose possession?—The deputy-clerk of the peace, Mr. Dighton.

8072. You say you never heard of any such rule?—Never heard of any such rule.

Cross-examined by Mr. Thesiger.

8073. You have been asked, whether you ever heard of a rule of licences not being granted except to persons being in the whole and sole occupation of the house?—Yes.

8074. I suppose, of course, if a person has lodgers in his house, or if he is the occupier of a house, although he has lodgers, you would not refuse him a licence?—No, certainly not; I would not, for one.

8075. Have you read the Act of Parliament, the 3d & 4th Will. 4, c. 68, on which licences are granted?—I dare say I have read it.

8076. Have you, to remember it?—I referred to it whenever occasion required, but to read the whole Act from beginning to end, as you would do, I do not suppose I ever did it.

8077. How often have you attended on granting licences?—I told the Committee before my practice was always to attend when at home.

8078. I do not know what your practice is as to your being at home: you said you were appointed in 1833?—Yes.

8079. How often since that time have you attended on the licensing day?—I do not suppose I was ever absent twice during the whole period.

8080. Then probably you were there in October 1834?—I may have been.

8081. You may have been?—Yes, I may have been.

8082. Do you recollect whether you were or not?—I do not, but the book that I have referred to will state whether I was there or not.

8083. Where is the book?—I understand Mr. Dighton has it in London; I do not know; he is a witness attending here on this Committee; the deputy clerk of the peace.

8084. There is a book which notifies the time at which the different magistrates attend?—Always, and the names are entered down.

8085. You cannot without that book remember whether you were present in October 1834?—I cannot indeed.

8086. When

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8086. When Ivers came to have a licence for this house?—I cannot; I may have been there, or I may not have been there at that particular time.

8087. Have you any recollection at all of an application being made for a licence by Henry Ivers?—No, I have not.

8088. Has your attention been called it?—No.

8089. Did you know you were to be a witness in this case?—Not until I was told yesterday I would be examined touching the practice of the magistrates' court.

8090. Now, Sir, attend; do you mean to say the magistrates do not require the party to be the owner of the house, or the occupier of the house, to grant a licence?—What I mean to say is this, that I believe in 19 cases out of 20 or more, they are the occupiers and owners of the house, but I know of no rule.

8091. In 19 cases of 20 or more, which means probably 20 out of 20, 19 and a-half?—Nineteen out of 20 or more; what I meant by more was, that I might extend the proportion to 99 out of 100, and that would be more, I think, Mr. Thesiger.

8092. In 99 cases out of 100 the parties would be the owners and occupiers of the entire house?—Yes.

8093. But you know of no rule?—But I know of no rule that would prevent the magistrates, or tie up the hands of the magistrates, in granting licences to a person not the owner.

8094. Is it not always required by the magistrates to be proved the party is the owner of a house?—The owner of the place that he is going to register out of.

8095. That he is going to license out of?—Yes.

8096. That he is the owner of the place which is to be licensed?—I should say so; I think the notice requires it; the notice to be served, I think, goes to that extent, served on the churchwarden and the magistrate.

8097. Is not the object of the party who obtains the licence, that he should have the means of keeping order and regularity in the house, that he should have the control over the premises?—I should say so.

Examined by the *Committee*.

8098. Did you ever know an instance of a person, not a householder, having a licence granted to him?—I do not recollect any such, but one; I recollect a man by the name of Cochrane, he was nephew to a man of the name of M'Quain, who afterwards went to New South Wales, and the house, as far as my memory serves me, was licensed in the name of his nephew Cochrane, although belonging to M'Quain.

8099. Have you a clear recollection of that fact?—Yes, I think I have.

8100. Do you state M'Quain was the householder?—He was the owner of the house; the place was sold after he became a bankrupt, and it appeared he was the owner of the house.

8101. Was he the owner of a whole house?—He was, but whether the magistrates were cognizant of that at the time of granting I cannot say.

8102. Do you know whether that house was divided or not?—It appeared to be all one house; I never minutely examined it.

8103. You never went into the house?—I have been in the house, but never minutely examined it.

8104. Were you present at that registration when this man was licensed?—I think I was.

8105. You recollect the circumstances?—I recollect; but I would not take on myself to say the magistrates were cognizant of this person being licensed for M'Quain.

8106. You mean to say the magistrates did not know the house was M'Quain's, when the licence was given to the other man?—No.

8107. Do you know anything of this house; this house of Ivers?—I know nothing of it, except he has been living in it as long as I know him.

8108. Robert Ivers?—Robert Ivers; I never knew him to have any other residence.

8109. Did you see any name over the door?—His son's name was over the door a year or two ago.

8110. Henry Ivers?—Yes; I understood he was in embarrassment.

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8111. That Henry was or Robert?—No; the father.

8112. Was Robert, the father's name, over the door during the time he kept the spirit shop?—It was some years ago.

8113. It was over the door when he kept the spirit shop?—Robert Ivers was over the door.

8114. When Henry came, what name was over the door then?—My recollection of it is, that Henry applied for a licence and obtained it for the shop.

8115. What name was over the door then?—Henry.

8116. Henry Ivers?—Yes, but the father continued to inhabit some portion of it; he lived in it.

[The Witness withdrew.]

A. J. Humfrey, Esq.

Alexander John Humfrey, Esq., sworn; Examined by Mr. Cockburn.

8117. AMONGST the affidavits of register which you produce, do you find any affidavit of Henry Ivers?—I made search yesterday, and there is no affidavit of Henry Ivers.

8118. Is there any entry in the register book of the notice of claim; do you find any entry of a notice of claim by him to vote?—No, not since 1834. I have searched from the year 1834.

8119. Including the year 1834?—Including the year 1834.

[The Witness withdrew.]

Mr. *Cockburn* was heard to sum up the evidence in support of the vote. The question upon the validity of this vote depends, in the first place, upon the fact, whether the voter, Robert Ivers, had divested himself of the possession of the house and premises for which he was registered, and vested them in his son Henry Ivers. Supposing the parties, for the purpose of obtaining an object, had misrepresented the fact to the magistrates of Carlisle at the time of getting the licence, still, if Robert, the father, remained in the occupation of the premises from that time to the present, he was entitled to vote, although he might be subject to punishment for any offence he might have committed in misleading the magistrates. The parties before the Committee are the sitting Member, and the Petitioners who seek the seat, and therefore the declarations of the voter, however cogent evidence, are not conclusive as an estoppel. Phillips, upon Evidence, page 384, lays down the proposition, that a man's declaration does not act as an estoppel; and in *Cunden's case*, Ripon Election, reported in *Cockburn and Rowe*, page 301, the Committee decided that a voter had a vote, notwithstanding his declaration on two occasions he was not the tenant, it appearing from other circumstances that he was.

But supposing the Committee should be of opinion that the son had been in the occupation of the premises for some time, Robert, the father, was entitled to vote, because, according to the oath which the voter had to take at the poll, he was clearly in possession, and had been in the occupation of the premises for which he was registered six months before the election. The intention of the Act is, that the property out of which the voter claims to register, should undergo the ordeal of an examination before a revising barrister, and that having once undergone, it matters not that the party, in the interval between the registration and the time of polling, has been out of the occupation, provided he has been in the same occupation six months before the election. The case of *Daniel Snell*, in the Ipswich case, reported in *Faulkner and Fitzherbert*, page 249, is an authority for that point, as in that case the voter had been out of occupation entirely for some length of time between registration and the election, although in possession at the election. At all events, Robert Ivers had been in occupation of a part of the premises, and, according to the authorities, in the construction of law he was the occupier of the whole. This is decided in *Carey's case*, and *Manners' case*, in the Ripon Committee, reported in *Cockburn and Rowe*, Phillips and Dugan's case, reported in *Allcock*, and the case of the King and North Collingham, 1st Barnewall and Cresswell, page 578; and in the Taunton case, reported in *Fitzherbert and Faulkner*, page 300, the Committee decided that if a person was in occupation of a part of

the property for which he was registered, it lay on the party impugning his vote to show what he retained was not of sufficient value to entitle him to vote. At all events, in this case Robert Ivers retained the yard and back premises, and they have not been shown to be of less value than 10*l*.

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Mr. *Thesiger* was heard against the vote. The voter, Robert Ivers, is distinctly proved to have parted with the property for which he registered to his son, and remained out of the possession for two years. The Act of Parliament requires that persons licensed shall be householders, and the voter's son was no householder, unless he held the house in question. Although Robert Ivers, the voter, has resided on the premises, he could only have resided there by the permission of his son. Supposing that the voter had lost the possession of the tenement, and had after that resumed it, and was in possession at the time of the election, that is not sufficient, because, by the Irish Reform Act, the oath to be taken at the poll is, that "the qualification for which the party registered still continues;" that continuance must be an unbroken, uninterrupted continuance, from the time of the registration, which, in this case, there was not. In the Ipswich case, the Committee held, if the party resumed possession before the election, that was sufficient; but the words of the oath in the English Reform Act are only that the party has "the same" qualification for which he registered. In this case, as the party had not continued in the occupation of the premises from the time of the registry to the time of polling, he was not entitled to vote.

The room was cleared.

The Committee deliberated.

Counsel and Agents were called in, and informed by the Chairman, the Committee had resolved, "That the Vote of Robert Ivers was a Bad Vote, and it be struck off the poll."

[The Committee adjourned to To-morrow, at Ten o'clock.

Jovis, 23^o die Maii, 1839.

GEORGE GROTE, Esq., IN THE CHAIR.

The Names of the Members called over;—All present.

Mr. *Austin* stated he should propose to remove the Vote of *Daniel O'Brien* from the poll of Mr. *Bruen*. The Voter stood 318 on the poll, described as of Tullow-street, as voting for house, offices, and premises. Affirmed as to his qualification, and his vote objected.

Alexander John Humfrey, called in; sworn; and produced the Affidavit.

The affidavit of register was dated the 7th of April 1834, describing the voter as a timber merchant, of Tullow-street, and registering for house, offices, and premises.

Joseph Fishbourne, called in; sworn; and Examined by Mr. *Austin*.

Joseph Fishbourne.

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8120. ARE you the son of the returning officer?—I am one of them.
 8121. Do you know Daniel O'Brien?—Yes.
 8122. Do you know where he lived in the year 1834?—Yes.
 8123. Where?—In Tullow-street, Carlow.
 8124. Do you know the house he lived in there?—Yes.
 8125. Was the house in Tullow-street?—Yes.
 8126. Was there anything beside the house?—There were yards and concerns; very extensive concerns, and a garden; two gardens, if I was to describe it all.
 8127. Say what you mean by "house and concerns"?—I mean there were gardens, and the concerns he carried on his business with.

Joseph Fishbourne.

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8128. Were they connected with the house?—Yes.
8129. Part of those premises, were they?—Yes, part of the premises; the all joined.
8130. Do you remember O'Brien getting into difficulties?—I do.
8131. Or being in difficulties, rather?—Yes.
8132. Were you a creditor?—I was.
8133. To some extent?—Over 100 *l*.
8134. And was your father a creditor?—He was.
8135. What time was this, Mr. Fishbourne, that he was in difficulty?—As well as I can recollect, it was in 1837.
8136. Were you in Dublin in the year 1837?—Often.
8137. You went there for various things; were you in Dublin about his business in 1837?—Often.
8138. Did you attend a sale there?—I did.
8139. A public sale?—Yes.
8140. Where was it at in Dublin, the sale?—At a commissioner's court.
8141. A commissioner's of bankrupt?—Yes.
8142. Was O'Brien's property sold there?—Yes, there was some of it sold.
8143. Were there more than one day's sale, or only one?—One day there.
8144. You say some of his property was sold; was not the whole of it sold?—No, not there.
8145. The whole was not sold there; was the whole sold?—No.
8146. Was any other sold any where else besides Dublin?—Yes.
8147. Where?—In Carlow.
8148. When?—About the same time.
8149. Were you present at Carlow when the sale took place?—Yes.
8150. You say some of it was not sold; what portion of the property was not sold?—I cannot exactly say; I did not look at any paper coming over.
8151. You have had the management of this business, Mr. Fishbourne?—Partly.
8152. Were you not one of the assignees; did you not act as assignee?—
Mr. *Thesiger* submitted it was necessary to put in the assignment if Mr. Austin wanted to show that he was acting as assignee.
Mr. *Austin* stated he was not wishing to show the voter had become bankrupt, but that he had disposed of all his property.
Mr. *Thesiger* replied.
Mr. *Austin* stated he would put the question in another form.
8153. Did you manage the property, you and some one else?—Yes, myself with another.
8154. Who was the other?—Thomas Wheyland, of Carlow, agent to the Bank of Ireland there.
8155. He and you managed the property, did you?—Yes.
8156. Was Wheyland also a creditor?—No.
8157. Were the Bank of Ireland creditors?—They were.
8158. Try and tell me, Mr. Fishbourne, if you cannot recollect what portion of the property was not sold?—I cannot.
8159. Will you be so good as to tell the Committee what was; you were present at the auction in Dublin, and the auction in Carlow; tell the Committee what was?—There was one part of the premises in Tullow-street sold.
8160. What part was that?—There are two houses joining; one of them was certainly sold and the timber-yard, what I call the concerns, back way.
8161. There were two houses?—One of which, with the timber-yard and concerns.
8162. Were there two houses?—Two houses fronting the street; one of which I am sure was sold.
8163. And the rest of the concerns?—And the timber-yard and concerns back, the yard.
8164. I understand, according to you, that one house, the business concerns and the yard, were sold; is that so?—One of the two houses that fronted the street, with the concerns, the timber-yard, (the butter trade and things of that kind which were carried on afterwards in the house) were sold.
8165. (By the *Committee*.) We are to understand there were two houses originally?—Yes.
8166. You say one house was sold?—Yes, certainly.

8167. Was that the house in which he lived?—He lived in both.
 8168. Were the two houses adjoining?—Yes.
 8169. Were you ever in the house?—Often.
 8170. Did they communicate together?—Yes.
 8171. Inside?—Yes.
 8172. In what way?—A passage from one to the other.
 8173. And you say he lived in both?—Yes.
 8174. Do you mean he occupied them as one house?—Yes.
 8175. Did he carry on any business in the house?—Yes.
 8176. What?—Soft goods.
 8177. Which of the houses did he carry on the soft goods trade in?—I believe part of both.
 8178. What! was there a shop window in the house, then?—Yes.
 8179. Be so good as to describe that window?—It was like any other shop window; it is like any shop window; I do not know any particular description.
 8180. Was there more than one window, or only one?—One on either side of the door.
 8181. Of the door?—Of the door when you went in.
 8182. Was there more than one door?—But one to the shop.
 8182*. More than one door to the house?—Oh yes.
 8183. Where was the other?—It is in the front of the house also, a hall door.
 8184. If I understand you, there was a shop door and a hall door?—Yes.
 8185. Was there any other door?—Not that I recollect.
 8186. Do not you know that there was not?—I cannot swear positively there was not.
 8187. Did you ever see any other door?—I suppose if it is in it I have seen it; I cannot swear positively that there was not another door in it.
 8188. There was a shop window on either side of the shop door?—Yes.
 8189. (By the *Committee*.) Were there two shop windows?—Yes.
 8190. Tell me where the front door or the hall door was?—It was to the left of the shop door as you go into the shop.
 8191. Was there a shop window between it and the shop door, then?—Yes.
 8192. To come back to the other question, I think your answer was, that one of the houses was sold, was it not?—Yes.
 8193. Which was sold?—The one connected with the timber-yard.
 8194. Is that all that was sold?—That is all I am certain of being sold.
 8195. What do you mean by that, all you are certain of being sold?—Because the bankrupt. What makes me sure about that one is, that the bankrupt applied to me the day of the sale to purchase that in trust for him.
 8196. To purchase which?—That house.
 8197. Which house are you speaking of?—The house connected with the timber-yard.
 8198. To buy which?—I said I would rather not.
 8199. Do not go on with this conversation; which house?—The house connected with the timber-yard.
 8200. Did you hear the property put up in Dublin?—I did.
 8201. Was O'Brien; the voter, present?—He was.
 8202. Did you hear when it was put up; did you hear it described?—I did.
 8203. Had you been acquainted with the property before that time?—I was.
 8204. Now then will you be so good as to tell the *Committee* what was put up?—I cannot recollect how it was described; it is two years ago.
 8205. What was there that was described?—Oh, it was all described as it was put up.
 8206. I want to know what was described as the property then in Tullow-street?—I cannot recollect indeed.
 8207. Was it knocked down?—It was.
 8208. Now tell the *Committee* what was knocked down?—The house that was connected with the timber-yard was knocked down.
 8209. Go on and tell them all that was knocked down; state it all, Mr. Fishbourne?—I think there was a garden also knocked down.
 8210. Have you any doubt about that; have you any doubt the garden was knocked down?—It was.
 8211. What else?—There was a policy of insurance on some water company.

Joseph Fishbourne.

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8212. That was not part of the premises in Tullow-street. I am asking you to tell us what portion of the premises in Tullow-street were knocked down?—That is all I am certain of, those two.

8213. Your memory does not go further?—No.

8214. Was the timber-yard knocked down?—I have said it was before; I said the house and timber-yard in connexion were knocked down.

8215. I am asking you now to describe to the Committee; just describe now what was knocked down?—The house and the timber-yard that is connected with it were knocked down.

8216. Do you mean to tell the Committee that the shop was not knocked down?—I do not.

8217. Was it not knocked down?—I do not know; I do not recollect.

8218. How long had you the management of this property before the auction?—I suppose a month or two.

8219. Had you at that time been on the property; you told me you had been there many times; had you at that time been on the property?—During the month or two?

8220. Yes.—Often.

8221. Did you know what the property consisted of?—I did.

8222. Had you made inquiries as to what it consisted of?—No.

8223. Did you know it?—Not very exactly as to the boundaries.

8224. Was the shop part of the property?—Yes.

8225. Did you know that?—I did.

8226. Do you mean to tell the Committee you cannot recollect whether the shop was knocked down or not?—I do.

8227. Do you mean to say that?—Yes.

8228. Do you mean to say it was not described by the auctioneer or whoever it was that put it up?—If he put it up, I suppose he described it.

8229. Were you present when he put it up?—If he put it up, I was present when he put it up.

8230. Now, Mr. Fishbourne, you will be so good as to attend to my questions and answer them; were you present when that property was put up?—I was present on the day of the sale.

8231. Were you present when it was put up for sale?—I cannot exactly say whether that part was put up or not.

8232. On your oath, were you present or not present when that property was put up for sale; and you shall answer that?—

Mr. *Thesiger*.] Which property?—

Mr. *Austin*.] The property in Tullow-street.

8233. Were you present or not present, on your oath, when that property was put up?—I was present on the day of sale.

8234. Were you or not present when the property in Tullow-street, or any of it, was put up?—I was present when any of it was put up.

8235. When any of it was put up did you hear the property described?—Yes; the auctioneer went through a description of everything that was put up.

8236. Will you tell the Committee whether or not he described the shop with the other property?—I do not recollect.

8237. Upon your oath, do you not recollect that?—I do not.

8238. Upon your oath, you do not recollect that?—Upon my oath, I do not.

8239. Do you recollect the other house being put up?—I do.

8240. Do you remember it distinctly?—I do.

8241. How was it described?—I cannot tell you the description.

8242. Was the yard put up?—It was.

8243. Do you remember that distinctly?—Yes, I do.

8244. And the timber-yard?—Yes.

8245. Have you a distinct recollection of it?—Yes.

8246. And of all the concerns except the shop have you a distinct recollection?—Not of all the concerns except the shop.

8247. Of what have you not a distinct recollection?—I think there are four or five holdings there.

8248. And you mean to tell the Committee you do not recollect whether the shop was put up or not?—I do.

8249. You told us the shop was occupied with the house by internal communications?—Yes.

8250. What was it ; describe that communication a little more minutely ?—There was a partition thrown down ; a long passage run from one end of the house up stairs to the other.

8251. Were there bed-rooms in each house ?—Yes.

8252. Was the communication then from the upper story of each house ?—Above and below.

8253. Above and below too ?—Yes.

8254. Were there dwelling or living rooms in that part where the shop was, below, on the ground floor ?—Yes, then were breakfast parlours and dinner parlours.

8255. How do you mean breakfast and dinner parlours ; how many were there ?—I cannot tell you.

8256. Were there the same below, in the other house ?—They were on the same floor with the shop.

8257. What were on the same floor with the shop ?—Those breakfast parlours and dinner parlours.

8258. In which house were they ?—I cannot tell you ; I do not know the division between the two houses.

8259. Is there any division ?—I do not know what was the boundary between them.

8260. Was there or is there any boundary between ?—There was.

8261. What was it ?—I do not know.

8262. Which part of the lower floor did he live in ?—I do not know.

8263. Were you ever there when he was at home ?—Often.

8264. Where did you see him ?—Generally the left hand side of the shop as I went in.

8265. Did you ever see him in the shop ?—Often.

8266. Did you ever see him behind the rooms in the shop, if there were any ?—No, I do not think I did.

8267. Were there any rooms behind the shop ?—I do not think there is.

8268. Do not you know there is no room behind the shop ?—No.

8269. Did you ever see any ?—Not that I can recollect.

8270. You say there is a communication between the two upper stories ; from what part of the premises below is that communication, where is the staircase ?—It is nearly opposite the hall door as you go in, as well as I recollect.

8271. That is in the house on the left ?—Yes.

8272. Is there any other staircase to the upper story whatever ?—I never saw but the one staircase.

8273. Do not you know there is no other staircase communicating with the upper story except the one you have now described ; do not you know that ?—There is a staircase out of the shop.

8274. Where ?—On the right-hand side of the shop, I think.

8275. Up where ?—Up to the upper story.

8276. Have you been up there yourself ?—Often.

8277. Have you been up the other staircase yourself ?—Often.

8278. Having often been up those two staircases, do you now intend to tell the Committee you do not know whether there are back rooms behind the shop or not ?—I do not think there is a room behind the shop.

8279. Do not you know there is no room behind ; on your oath, do you not know there is not a room behind ?—I would not swear it positively.

8280. Have you been out into the yard behind, if there be a yard or garden ?—Often.

8281. You have been into the yard ; is it a yard or garden, which is it ?—The yard, or which ?

8282. Is there a yard or garden behind the shop ?—A little yard.

8283. Have you been into that yard ?—I have.

8284. Often ?—Yes.

8285. Now I ask you again, on your oath, whether you do not know there is no room behind the shop ?—I am not sure.

8286. How did you get into the yard ?—Out through a door that is opposite the hall door as I go in.

8287. That is through the hall door on the left-hand side, is it ?—Yes.

8288. That is the communication with the yard, is it ?—One communication.

8289. Where is the other ?—Through the gateway.

Joseph Fiddibourn.

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8290. I am asking you whether that is the communication from the house; is there any other communication from either house with the yard than that you have just mentioned?—No, not to my knowledge.

8291. Is there one or two roofs to this property; to the shop-house, the hall-house, to the left hand?—It runs in one; they are the same height.

8292. Have you any doubt there is one continuous roof?—I have reason to know that they are on separate properties.

8293. Do not you know it is only one roof; a continuous roof?—It seems so from the street.

8294. Do not you know it from the street, looking at it?—I have often seen five houses in the street running under one roof.

8295. As far as you can judge from the street, is not this a continuous roof?—Yes, it seems to be one height.

8296. Answer my question; as far as you can judge from the street, is it not a continuous roof?—Yes.

8297. Tiled or slated?—Slated.

8298. Is not the slating continued over both houses?—It is.

8299. Without interruption?—Yes, I think it is.

8300. The same sort of slating?—I will not undertake to swear that.

8301. When did this sale take place (give me the time correctly) in Dublin?—In the year 1837.

8302. What time of the year in 1837?—About the middle of the year.

8303. When did the sale take place at Carlow?—There were several sales in Carlow before and after that; before and after the Dublin one.

8304. When was the last?—I cannot tell.

8305. Cannot you guess?—In the year 1837.

8306. What part of the year 1837 was the last sale in Carlow?—I cannot tell you.

8307. Was it in December, or was it in August, or when?—I think in the summer.

8308. Was it about the middle of the year 1837, the sale in Carlow; the last?—It was after the Dublin sale.

8309. Were the goods sold in Carlow?—They were.

8310. What goods?—The shop goods.

8311. What do you mean; the soft goods?—Yes.

8312. Sold out of the shop?—Yes.

8313. Was that after the sale had taken place in Dublin, or before?—Before and after.

8314. Was O'Brien himself employed about the sale or sales?—Of the shop goods?

8315. Yes.—Yes.

8316. Did you employ him?—I did.

8317. Did you make him an allowance for it, or payment?—Yes.

8318. Out of what fund did you pay him?—Out of the money that was received for the goods.

8319. You paid O'Brien for his services out of the money that was received for the goods?—Yes.

8320. Has O'Brien any children?—He has.

8321. What are their names?—He has a son called John, George.

8322. Two sons?—Yes.

8323. And anybody else?—He has a daughter called Hannah, and other children; I do not know their names.

8324. You know those three?—Yes.

8325. You told us the shop goods were sold in Carlow, after the sale had taken place in Dublin?—Before and after.

8326. Was any person in the house at that time?—Yes.

8327. Who was that?—O'Brien and his children and servants.

8328. Was any other person in the house?—And servants.

8329. When was this you are now speaking of?—During the whole time of the sale.

8330. Did you put anybody into the house?—Yes.

8331. Who?—A man by the name of Giltenan.

8332. You put Giltenan in?—Yes.

8333. When?—Before we commenced to sell the soft goods.

8334. Was that after the sale in Dublin?—No; before it.

8335. How long did Giltenan remain in?—During the time of that sale.

8336. Which

8336. Which sale?—The sale of the soft goods.
8337. Until the sale of the soft goods was completed?—Yes; it might be a few days after.
8338. You put him in?—Mr. Wheyland and I put him in.
8339. Put in by your orders?—Yes.
8340. Did he remain there?—He did.
8341. Where did he remain; what part of the premises did he remain upon?—In the room at the left hand side of the hall door, immediately as you go in.
8342. That is where he remained, did he?—Yes.
8343. What was he doing there?—Receiving the money at the auctions; at the several auctions.
8344. Anything else?—Nothing else.
8345. Was he looking after the goods?—No.
8346. Or the property?—No.
8347. Receiving the money on the auctions alone; receiving money from the auctions alone?—That is all.
8348. Did you pay him?—Yes.
8349. Out of what fund?—Money that was received for the property; for the goods.
8350. What do you mean, money received for the goods?—Out of that money.
8351. Out of what money?—The money that was received at the auction for the goods.
8352. For what goods?—Soft goods.
8353. You mean for the shop goods?—Yes.
8354. Has the business in soft goods been carried on since?—Yes.
8355. Since the time you speak of?—Yes, it has.
8356. Do not you know that it has?—Yes; I see goods again in the shop there as I pass by every day almost; every day I am at home.
8357. Did you read the name; have you read the name over the shop door since this happened?—Why, I suppose I have; but I could not exactly say what name is over the door; I could not exactly swear positively.
8358. Have you any recollection as to what name is over the door?—No.
8359. None at all?—None at all; except that O'Brien is over it.
8360. What do you say is over it?—O'Brien.
8361. O'Brien is it?—O'Brien.
8362. Is there any other letter; is there no other letter besides O'Brien?—I will not—
8363. Do not you know there is an s?—No.
8364. Do not you know that?—I will not swear positively whether there is or is not.
8365. Will not you swear there is?—No.
8366. Have you seen any bills in the window?—Yes.
8367. Now I ask you, do not you know the name over the shop door was O'Brien's?—No, I do not recollect whether it was or was not; I recollect O'Brien.
8368. Did you read the bills in the window?—Part.
8369. Did you read far enough to get down to the name?—"Chepaside," was the only part I remarked particularly.
8370. You did not read the name in the bills?—No.
8371. That you are sure of?—Quite certain.
8372. Was there "Cheapside," on the bills?—At the head of the bill, in very large letters, that you could see across two streets.
8373. Is that one of the bills, [*handing a bill to the Witness*]?—A great deal larger than that; four times the size.
8374. Did you ever read that?—I do not think I ever did.
8375. Did you never see that in the shop window; look at it, Mr. Fishbourne, [*It was handed to the Witness, who read it*]?—I have read it all.
8376. Did you ever read it before?—No, sir, not to my recollection.
8377. Have you been into the shop since?—I think I was once.
8378. When?—I cannot exactly tell the time.
8379. About what time?—It is within six months.

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8380. What did you go into the shop for then?—To ask O'Brien a question about something.

8381. Did you see him?—I did.

8382. Where?—In the shop.

8383. Did you see either of the sons or the daughter?—I saw the daughter.

8384. What was she doing?—Selling the goods there with her father.

8385. What do you mean with her father?—She and her father were attending customers that were in the shop.

8386. One attending some, and the other the others?—Yes.

8387. Have you been in the shop lately, since that time?—No, I do not think I have.

8388. How lately before you came over here?—I do not think I was there these six months.

8389. Not since the time you now speak of?—No.

8390. Do you know what name is over the door now?—No.

Cross-examined by Mr. *Wrangham*.

8391. You don't know, Mr. Fishbourne, I think you told my friend, whether there is a final s to O'Brien over the door; you do not know whether there is an s at the end of O'Brien?—I do not know.

8392. You can't tell us, then, whether there is an apostrophe or comma just before the s?—No.

8393. You have told my friend you have been concerned in matters connected with this property; was your share in the concern collecting the trade debts?—No.

8394. I think you said the voter had applied to you to purchase the property for him at the sale?—He did.

8395. In trust for him?—He did.

8396. What sale was that, in Carlow or in Dublin?—The Dublin sale.

8397. You were present, I think you said, when it was sold?—Yes.

8398. Can you tell us whether, in point of fact, it was bought in trust for him?—It was.

8399. (By Mr. *Austin*) Did you buy it yourself?—No.

The Chairman.] Of which property are you speaking?

Mr. Wrangham.] The property he has spoken to as being sold in Dublin.

8400. My question applies to the whole of the property he has spoken to as being sold; has he continued there ever since?—Yes.

8401. So far as you know, Mr. Fishbourne, has he ever been out of that house for a single hour; I mean out of the possession of it, the occupation of that house. Has he ever resided elsewhere at any time since this matter?—I recollect O'Brien living there these 14 or 15 years.

8402. Without interruption?—Without interruption.

8403. Do I understand you to be able to speak to his continued occupation for 14 or 15 years?—I do.

8404. Of the whole of this property, this joint house, if I may call it so?—Yes.

8405. The two houses and the premises?—Yes; I see him there every week when I am at home; when I am backwards and forwards, I see him there every week, passing up to my own business.

8406. Have you seen him there in precisely the same character, as far as you could judge from appearances, since the sale as before it?—Yes.

8407. No alteration?—No alteration that I could see.

8408. You have stated there were two houses?—Yes.

8409. Do you recollect where the boundary was between the two?—No.

8410. One was to the right, the other was to the left?—Yes.

8411. The houses adjoin, I think you told us?—Yes.

8412. Do you remember the time when they were two?—No.

8413. Can you give us a tolerable notion of the annual value of the whole of these premises; of the whole, I mean?—As well as I can recollect, I think they were returned to us at 80 l. a-year.

8414. (By the *Committee*.) The witness is speaking of the whole?—Yes; two houses and timber-yards.

8415. If you take that portion which includes the shop and the rooms over the

the shop, what should you say would be the annual value of that?—I never set a house in my life, but I should suppose 40 *l.* would be very cheap for that with the rear that is to it.

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8416. What did you understand by my question?—I understood you deducted the shop and rooms over it, and then you asked me the value of what remained.

8417. I wanted to ask you the value of the shop with the rooms over it?—I should think 20 *l.* or 30 *l.* a-year.

The *Chairman.*] When the witness says between 20 *l.* and 30 *l.* a-year, he means to include the shop and the rooms above, and what is behind the shop?—The *Witness.*] Yes.

8418. And what is there behind it?—A little yard with a pump in it, and a kitchen; I think there is a kitchen.

8419. (By the *Committee.*) Do you include any of the bed-rooms over the shop?—Yes.

8420. (By the *Committee.*) Do you know how many rooms there are altogether?—I do not.

8421. (By the *Committee.*) Shop, bed-rooms, kitchen and yard you speak to?—Yes.

8422. (By the *Committee.*) Is it two stories or one story?—Two stories.

8423. (By the *Committee.*) About 20 *l.* or 30 *l.*?—I think about that; I never set a house in my life; from what I pay for my own house in the town, I judge of that.

8424. You say the house is two stories high?—Yes.

8425. Are you sure it aint three?—I am not, indeed.

8426. There is the shop floor?—Yes.

8427. And rooms above the shop?—Yes.

8428. Does your recollection serve you as to whether there are rooms above those?—I do not recollect.

8429. (By the *Committee.*) Do you mean by the shop floor, the kitchen at the back?—I am speaking of the shop on a level with the street.

8430. (By the *Committee.*) Is the kitchen below or on a level with the shop?—The kitchen, I think, is on a level with the shop.

8431. That includes a small yard, belonging to those premises?—Yes, a small yard; a little small flagged yard.

8432. That has nothing to do with the timber-yard?—Oh, quite separate.

8433. Taking the rest of the house, that part which is not over the shop, and the timber-yard, what should you say would be the value of that?—I think, from what I pay for my own concerns, it would be worth 50 *l.* a year.

8434. (By the *Committee.*) That is, for the remainder of the premises?—Yes.

8435. I think you told us, Mr. Fishbourne, that whether this house in which the shop is was ever sold at all you cannot say?—I cannot; my own impression is it was not sold.

8436. You have spoken to us about a gateway in the part of the house to the left, as I understood you; is there one?—Yes.

8437. An open entry?—Yes.

8438. I think you told us that was the entry into the timber-yard in the rear?—Yes.

8439. Is there any name over that entry from that gateway?—I think “O’Brien’s Timber-yard” is over, high up on the wall.

8440. Have you observed any alteration in that name, say for the last 10 years?—No, I do not think there is any alteration.

8441. Do you happen to know whether the business in the timber-yard continues to be carried on?—Yes, it is; I have dealt there for timber since.

8442. Since the sale?—Yes.

8443. With whom have you dealt?—O’Brien.

8444. The voter?—Yes.

8445. You said, in answer to a question from my friend, that as far as you judged from the street there was one continued roof over both houses?—Yes.

8446. Do you mean by that they were the same level?—Yes.

8447. So that if in passing through one of the streets in this town, consisting of 50 or 100 houses in the line, they were all of the same level, they would

Joseph Fishbourne. present the same appearance as these two houses do, so far as the roof is concerned of these two houses in Tullow-street?—Yes, just so.

23 May 1839. 8448. I will ask you one or two questions, so as to clear up any difficulty about the facade of the premises. Suppose yourself to be looking at the front of the house: you have spoken of a gateway, a hall door, and a shop door?—Yes.

8449. Now begin from the left; which comes first?—With my face to the house, as if I were entering it?

8450. Yes.—The gateway first, that is to my extreme left, then comes the hall door, and then the shop door.

8451. Which is again towards the right centre, not quite to the extreme right?—No, because there is a window between it and the extreme.

8452. A shop window on each side of the shop door, and then to the left of one of those shop windows comes the hall door; there is a shop window between the shop door and the hall door?—Yes, there is a shop window, as I think, a small window.

8453. Near the hall door?—Yes, a parlour window.

8454. Small as compared to the shop window?—Yes.

8455. My friend has asked you some questions about a man of the name of Giltenan, who, you say, you put in there?—Yes.

8456. Did I understand you rightly when I supposed you to say he was put in solely for the purpose of receiving the money for the sale of the goods?—That was all; we accommodated the man by lending him or getting him a loan of that room, not to put him to the expense of getting a lodging in the town.

8457. A loan from O'Brien?—We brought him down from Dublin.

8458. I need hardly ask you, Mr. Fishbourne, whether it was with no sort of intention of putting him into possession of the premises that you placed Giltenan there?—He never got possession of the premises.

8459. Nor did you put him there for that purpose?—No.

8460. The little yard, little flagged yard in rear of that house, we will call the shop house, if you please; where is the entrance into that little yard; do you know?—Out of the house.

8461. Out of that house?—The door into it is exactly opposite the hall door as you go in.

8462. Do you remember the name of the auctioneer who was employed in Dublin?—I do not, indeed.

Re-examined by Mr. Cockburn

8463. Will you be good enough to tell me, speaking of this little yard, how far does it extend to the back of the premises?—I do not exactly know.

8464. I do not mean how far did it extend in point of depth; but, taking the frontage of the house, did the little yard extend along the whole rear of the premises, or only along the rear of part?—I do not think it was quite the breadth of the shop.

8465. Suppose, for instance, this was the rear of the whole premises, and this was the shop house, and that you say was the other house; how far would the yard extend; along the whole range, or half the range, or more than that?—I do not think it went half the range; a very small thing.

8466. On which side of the range did it extend; on the shop side only?—The shop side.

8467. If I understand you, you mean distinctly to say that no part of this yard extended beyond that portion of the range of the premises which belonged exclusively to the shop?—I would not undertake to swear that; that is my impression, that it did not.

8468. Your impression is, it did not extend beyond that part of the building which belonged to the shop house?—I do not think it was the breadth of the shop part.

8469. Was there a yard that extended along that part of the premises which belonged to the other house; was there a yard to that or none?—No, I do not think there was.

8470. There was no yard?—No, except until you went to the gateway.

8471. That gateway was at this extremity. You are now standing as you would

would stand to the front. Suppose yourself standing coming in at the shop, the gateway would be at your left?—Yes. *Joseph Fishbourn.*

8472. The shop at the right?—Yes.

8473. The little yard behind the shop would be at the right?—Yes.

8474. What is there at the left?—There is a range of buildings goes down between the two yards back from the houses.

8475. (By Mr. *Wrangham*). Is that little yard the timber-yard?—Yes.

8476. (By the *Committee*.) The timber-yard is stated to be immediately behind the gateway?—Yes.

8477. (By the *Committee*). And the flag-yard is immediately behind the shop?—Yes.

8478. The gateway is on your left; point out where the timber-yard was?—At the back of that.

8479. Where is the range of building? It intervenes between the yard behind the shop and the timber-yard?—Yes.

8480. I do not quite understand you; how do you get to the little back yard which is behind the shop; suppose you are in the house, and want to go into that yard, where would you go?—There is a door opposite the hall door exactly to go into it.

8481. As you go into the hall?—I think you pass on straight.

8482. At the other end of the passage there is a door that goes into the yard?—Yes.

8483. You spoke about this partition; describe a little more particularly what this partition was?—Which partition?

8484. You say there is a partition between the two houses, if I understood you rightly; you talk of two houses, and say there was a partition between the two; what was it?—I said I have reason to know there is; that they are two houses, because they are on different property.

8485. Is there or not a partition between the two houses?—There are so many passages from one to the other; there is one long passage runs on the upper floor as you go up; runs from one end to the other.

8486. Not an uncommon thing in a house?—No.

8487. I apprehend if there was merely that long passage, you would not say there were two houses?—I know they are two houses.

8488. Would you, from the circumstance of there being that long passage alone, say they were two houses, if you did not know it from other circumstances?—I would not.

8489. Down stairs is there any other division between these two houses but a passage?—A doorway.

8490. Such as there are in any other houses: Is there anything particular in the doorway of this house?—There is one wall runs straight, below, on the ground floor.

8491. One wall between what?—Between what I suppose to be two houses.

8492. Is that different from any other wall that runs along in the house; is there anything peculiar in that wall?—Not that I know of.

8493. Are there doors communicating through that wall from the shop to the parlour?—Yes.

8494. You have spoken of the kitchen of the house; whereabouts is the kitchen?—It is the other side of that flagged yard from the house; you walk across the little flag-yard, and then go into the kitchen.

8495. To the left?—I think it is immediately behind the house; the shop house.

8496. Immediately behind the shop house or the other house?—I think the shop house.

8497. Will you swear that?—I will not exactly swear.

8498. As you go out of the hall door, is it on your left or on your right?—I think it is more to the right.

8499. I mean the back hall door?—I think you go a little to the right to go into it.

8500. Is there any communication to the kitchen except through that back hall door?—You could get to it from the timber-yard.

8501. You would have to go round behind the gateway?—You would have to go in through the gateway, and that building that goes back from the street houses.

Joseph Fishbourne.

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8502. You spoke of two houses ; which house does the hall door belong to ?—I cannot say. I think it belongs to the left-hand house.

8503. Why, where do you say there is any partition or any wall running between ?—The partition, I suppose, is exactly on the right of the hall as you go in.

8504. You say the partition is on the right of the hall as you go in ; the hall door is in the left-hand house ?—Yes, that is what I suppose.

8505. Then could you get at the kitchen, which you say is behind the shop house, otherwise than going through the hall door of the left-hand house, except by going round this place at the gateway ?—Not that I know of.

8506. Then I understand you to say, to get at the yard behind the shop you must go out of the hall door, which you say is in the left-hand house ?—Yes, I think you must.

8507. When you go out of that hall door into the yard, have you the yard on both sides of you, right and left ?—No ; I think you get out, as well as I recollect, you get out at the extreme left of that yard.

8508. Are you sure of that ?—I am not sure, but I think you do.

8509. There is no access to that yard from the shop ?—Not that I know of.

8510. Have you any reason at all for supposing this house consisted of two houses, except from the circumstance of its being built on two plots of land ?—I always heard that Josh. O'Brien lived in one and Dan in the other.

8511. How long ago ?—I do not know how many years ago.

8512. How long do you recollect the premises ?—Since I was a boy ; a child.

8513. Have you ever known any alteration made, of your own knowledge ?—Outside ?

8514. Either outside or in ?—Oh no, I do not think there is.

8515. Do you know when the houses were built ?—Oh, no.

8516. When you say they present the same appearance as a street that you pass along here, do you mean to say that there is not in the street you pass along here, that you cannot visibly see, an interruption between the slatings and the upper part of the roofs : between one house and the other, although the partition walls, the general walls of the buildings, are of the same height, cannot you see any difference in the roof ?—I see a great many roofs I see no variance in at all ; no apparent distinction in them.

8517. Have you any doubt that this is one continuous roof, the roof on the top of these two houses ; have you any doubt, from the appearance as presented to the street, have you any doubt that is one continuous roof, and there is no interruption of the slating ?—I never spent a thought about it ; it never gave me any concern whether it was or not ; I could not give an opinion whether it is or not.

8518. How did it happen you had any part in the management of this business ; what was your duty ?—

Mr. *Wrangham* objected to the question, the object being to show that the witness was assignee of the voter, and as there was documentary evidence that would prove that fact, it ought to be produced.

Mr. *Cockburn* submitted, supposing he could not give parol evidence that the party was assignee, that he was entitled to inquire in what character the witness acted in the business.

The *Chairman* stated he understood it to be admitted on both sides it would be an improper question to put, whether the party was clothed with the office of assignee.

Mr. *Cockburn* stated they had only admitted that for the sake of the argument.

Mr. *Thesiger* was heard to support the objection, and quoted Phillipps on Evidence, to show that all secondary evidence was excluded when the primary evidence could be procured, and submitted, that the only proper evidence to show the bankruptcy was the proceedings in the bankruptcy.

Mr. *Cockburn* cited a case from the Bedford Committee, Fitzherbert and Faulkner, 436, Pickering's case ; the case was one of bankruptcy and insolvency, where parol evidence was admitted to show a bankruptcy had taken place ; and he referred to Roscoe on Evidence, page 37, to show that in many cases admissions of parties acting in a particular character were admissible.

Mr. *Thesiger* replied.

The room was cleared.

The Committee deliberated.

Counsel and Agents were called in, and informed by the Chairman, that the Committee had resolved as follows; "That the question proposed by Mr. Cockburn may be put."

Joseph Fishbourne.

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Joseph Fishbourne recalled; Examination continued by *Mr. Cockburn*.

8519. How did it happen you had any part in the management of this business; what was your duty?—*Mr. Wheyland's* assistant or agent.

8520. What was *Mr. Wheyland*?—Assignee.

8521. Of whom?—

Mr. Wrangham wished to know from the Committee whether this course of examination was to be pursued.

8522. In what character did *Mr. Wheyland* act? I will not ask what he was. In what character did he act?—As assignee.

8523. Assignee to whom?—I do not say he was assignee.

8524. (By *Mr. Austin*.) To whom did he act?—

Mr. Wrangham objected to the question.

The room was cleared.

The Committee deliberated.

Counsel and Agents were called in, and informed by the Chairman, the Committee had resolved, "That the Committee will not permit questions to be put to *Mr. Fishbourne*, tending to show to whom *Wheyland* acted as assignee, until the non-production of the primary evidence of his having been appointed assignee should have been accounted for."

Joseph Fishbourne recalled; and Examination continued by *Mr. Cockburn*.

8525. You have told us a sale of the soft goods took place on those premises; under whose directions did that sale take place?—The commissioner.

8526. What commissioner? Who was the commissioner?—A *Mr. M'Cann*.

8527. You were acting for *Mr. Wheyland*?—Yes.

8528. Did *Mr. Wheyland* act under *Mr. M'Cann*, or *Mr. M'Cann* under *Mr. Wheyland*?—*Mr. Wheyland* under *Mr. M'Cann*.

8529. You say you borrowed a room for the accommodation of this man from *Mr. O'Brien*; who borrowed that room; you said "we?"—*Mr. Wheyland* and I.

8530. *Mr. Wheyland*, the assignee, and you did that?—

Mr. Wrangham objected to the question.

8531. Had you about this time any conversation with *O'Brien*?—About what?
[The Witness withdrew.]

Mr. Wrangham was heard to object to the question, as not arising out of the cross-examination.

Mr. Austin was heard to support the right to put the question, and to submit that it arose out of the cross-examination.

[The Committee adjourned to Eleven o'clock To-morrow.]

Veneris, 24^o die Maii, 1839.

GEORGE GROTE, Esq., IN THE CHAIR.

The Names of the Members were called over;—All present.

Case of the Vote of *Daniel O'Brien* resumed.

The last question to the Witness, *Joseph Fishbourne*, put by *Mr. Austin*, in re-examination, was read by the short-hand writer—"Had you, about this time, any conversation with *O'Brien*?"

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Mr. Wrangham was heard in reply, in support of his objection to the right of *Mr. Austin* putting the question.

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The *Chairman* stated that the opinion of the Committee was that the question might be put.

Mr. *Austin* stated, he had no intention of proving the bankruptcy of the voter.

The room was cleared.

The Committee deliberated.

Counsel and Agents were called in, and informed by the Chairman the Committee had resolved, "That the question proposed by Mr. Austin may be put, as to any conversation held by the witness, Joseph Fishbourne, with the voter Daniel O'Brien, on the subject of the room in which Giltenan was placed, or of the placing of Giltenan in that room."

Mr. *Austin* stated, the substantial question intended to be asked was, whether O'Brien had stated to the Witness he had been a bankrupt, and he wished to know whether such question would be permitted to be put.

The *Chairman* stated, the attention of the Committee had not been drawn to that point, and he was not prepared to give any decision on the subject.

Joseph Fishbourne.

Joseph Fishbourne again called in ; and Examined by Mr. *Austin*.

8532. I must just call your recollection to something you stated yesterday. You told us something about Giltenan being in the room of the house of the voter?—Yes.

8533. Do you recollect his going there?—I do.

8534. About the time?—Previous to the sale.

8535. You remember the time of his going?—Oh, yes ; I recollect it very well.

8536. Did you see O'Brien at that time?—Yes.

8537. Had you any conversations with him?—Several.

8538. Did you mention to O'Brien the fact, that Giltenan was going into the room?—Yes.

8539. Stated that to him, did you?—Yes.

8540. Did you tell him for what purpose he was going?—Yes.

8541. Was it for the same purpose you stated to the Committee?—Yes.

8542. Had you any conversation with O'Brien, at that time, about his affairs?—

The *Chairman* stated he thought that went beyond the extent of interrogation the Committee were disposed to authorize.

8543. Did you tell him the purpose ; you have already informed us you did ; for what he was put in the room?—Yes.

8544. What did you tell him?—That we wished to put him there.

8545. Whom do you mean by "we"?—Mr. Wheyland and I, to have him there, as it would be the most convenient place for him when we should want him about the collection of money, or anything of that kind, and as it would save so much expense to Giltenan.

8546. Did you tell him for what purpose he was to be there?—Oh, certainly.

8547. What was it?—To receive the money at auctions.

8548. Was O'Brien in Carlow at that time?—He was.

8549. Are you speaking of these auctions in Carlow?—Yes.

8550. Were they the auctions on the premises?—They were.

8551. Did he go into the room in consequence?—He did.

8552. Did O'Brien see him there?—See Giltenan there?

8553. Yes.—Oh, yes ; several times ; he must have seen him ; he could not avoid it.

8554. Did you give orders to Giltenan while he was there?—I cannot say I gave him any orders ; I do not think I did ; except if he saw anything going astray, he would report it, as to property.

8555. To whom was he to report it?—To Mr. Wheyland or to myself.

8556. In whose care was the property and the goods at that time?—In Mr. Wheyland's and my care.

8557. They were in your management ; I do not ask you that ; that we know ;

know; in whose care were they?—In ours; in Mr. Wheyland's care and my care. *Joseph Fishbourne.*

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8558. Then, do I understand you, you not only had the management of them, but they were in your care?—We had them under lock and key.

8559. Could any goods go out without your permission, or be disposed of without your permission?—Not of the soft goods property.

8560. Then you mean of the shop property; was that so?—Yes.

8561. Who gave the orders for those goods to go out when it became necessary?—Either Mr. Wheyland or I attended there, or gave them out.

8562. You attended there personally, did you?—Yes, either of us; and sealed the door, when we would leave it; locked the door, and sealed it.

8563. Which door was that?—It was the door out of one of the passages into the shop.

8564. Out of the house into the shop?—Yes.

8565. Out of the left-hand house, you mean?—It was at the foot of the stairs.

8566. Communicating with the house on the left hand?—On the right hand of the hall door as you went in.

8567. Communicating with the house on the left hand?—I cannot say whether that is in the left-hand house or the right hand; it is at the foot of the stairs.

8568. You do not know whether that communicates with the house?—I do not say that.

8569. What do you say?—You ask me which house that door is in.

8570. No.—I thought you did.

8571. I asked you whether it did not communicate between the shop and the house?—Yes.

8572. Was it not the door of communication between the shop and the house?—Yes.

8573. Did you see Giltenan on the premises when you were there?—Several times.

8574. In that room?—Yes.

8575. And in the shop?—Yes; he came into the shop often with us; to draw out an account or a bill for any one who would purchase anything.

8576. Were not the goods under his management in your absence, or under his care in your absence?—Never under his care.

8577. Were they under his management in your absence?—Never.

8578. Do you mean to say it was only when you were there he drew out the bill?—No one could get to the property otherwise than myself and Mr. Wheyland.

Examined by Mr. Wrangham.

8579. This door you have spoken of, you say it communicates with the house?—Yes.

8580. With the left-hand house do you mean?—Yes.

8581. You spoke also of a staircase that opened up out of the shop?—Yes, there is.

8582. That goes up to that part of the house over the shop?—As well as I can recollect, I think it goes but to one room; to what they call a wareroom.

8583. A wareroom above the shop?—A wareroom above the shop; I think that is all it opens to.

8584. Then the wareroom and the shop would be separated from the rest of the house by this door that you speak of?—Yes; no one had access to that part of the house except by Mr. Wheyland and I.

8585. Was that during the time while the soft goods were selling?—Yes.

Examined by the Committee.

8586. Was all O'Brien's property sold in Dublin?—No.

8587. What part was sold in Dublin?—Some of the freehold part.

8588. What part was reserved?—What part of the freehold?

8589. What part of his property was not sold; can you tell the Committee what part was not sold?—I think I can tell you what part was sold in Carlow. The farm stock was sold in Carlow.

8590. The question was, what part of the property was sold in Dublin?—The house

Joseph Fishbourne. house connected with the timber-yard was sold there. There was a garden at the rear was sold in Dublin.

24 May 1839. 8591. Which is the house that is connected with the timber-yard?—The left-hand house.

8592. The shop, or the house he inhabited?—Not the shop.

8593. There were two houses?—Yes.

8594. Can you tell me what property of O'Brien's was not sold; there was part of the property was sold in Dublin, and other parts were sold before and afterwards in Carlow; I should like to know whether you are able to state whether any property was reserved or not?—I am trying to recollect what was sold; I really cannot tell you what.

8595. Witness, I understand that: I already know what property was sold in Dublin, and what property was sold in Carlow; I want to know what property was not sold; whether the witness can say whether there is any property not sold; and if there was any property not sold, what property it was that was not sold?—My impression is, there was property that was not sold; I cannot be positive; it is two years ago since the thing occurred; I never got any notice to look over any papers.

8596. Have the kindness to tell me why you have that impression, there was some property was not sold?—I think there was property there that we could not sell, and that the commissioner ordered, Mr. M'Cann ordered, it should be held over, and he gave leave to have a private sale made of it if they wished. That is what makes me think there was property left unsold; I am almost sure.

8597. Under whose authority were the sales made?—Mr. M'Cann's.

8598. Who is Mr. M'Cann?—A commissioner in Dublin.

8599. A commissioner of what?—A commissioner of the Bankruptcy Court.

8600. What was the property that was reserved?—I really cannot tell here.

8601. How came you to be so thoroughly well acquainted with the property which is sold, and not with the property which is reserved?—I am only certain of three lots, and one, the house, with the deal-yard, because O'Brien applied to me to purchase it in trust; I said I would prefer not, as I was connected with the concern, and it would not look well; but I said if he could not get any one else to do so, I would do it; that is what makes me recollect that. The reason I recollect the garden so well is that I recommended a man of the name of T——, a shopkeeper who lives there, to purchase it, because it would be so convenient to him. There is a policy of insurance of the Waterford Company there that I purchased in trust for that Waterford Company; that makes me so very certain about those three. That is the only reason I can give for being so certain as to those three.

8602. What is your profession or business?—I am a coach proprietor.

8603. A stage-coach proprietor?—Yes.

8604. Which part of the premises did you say O'Brien applied to you to purchase in trust for him?—The house connected with the deal-yard.

8605. Had there been any payments on O'Brien's estate made; any dividend or any payment?—Two.

8606. How much?—The first I think was 4*s.* 3*d.*, the second I think was under 1*s.*

The room was cleared.

The Committee deliberated.

Counsel and Agents were called in, and informed by the Chairman as follows: "The Committee have determined that one of the questions and one of the answers put by an Honourable Member of the Committee to the last witness shall be erased from the Minutes. The question put by the Honourable Member of the Committee was, 'Was O'Brien a bankrupt then?' The answer was, 'He was.' The Committee have determined that the question and answer should be erased from the Minutes, since the bankruptcy of O'Brien has not been proved to the Committee by primary evidence, nor has the non-production of such primary evidence been accounted for."

Mr. *Fishbourne* again called, and Examined by the Committee.

8607. You received about 5*s.*, or under 5*s.*, as your debt?—I think it was a few halfpence over 5*s.*, as well as I can recollect.

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8608. To your knowledge, after you had received that money, to your knowledge, had Mr. O'Brien any property left?—After I had received——

8609. After you had received that 5s. had Mr. O'Brien, to your knowledge, any property left?—None that I know of; we got possession of all the property he had when he became a bankrupt that we could find.

8610. You got possession of all the property he had?—Yes, that we could find, or we could come at.

8611. Then you took possession of the whole of his premises?—No, we never took possession of the premises.

8612. Did you expect any further sum from O'Brien?—No.

8613. How came you to allow Mr. O'Brien; how came you not to require Mr. O'Brien to hand over those premises?—By order of Mr. M'Cann.

8614. Did all the sales take place by order of Mr. M'Cann?—Yes.

8615. All the property?—Yes.

8616. Of every species?—Yes.

8617. He is the commissioner of bankrupts, is he?—Yes.

8618. The witness has said, in an answer he has lately made to an Honourable Member, that Mr. O'Brien was a bankrupt?—Yes.

8619. Did he apply to you to sign his certificate?—He did.

The room was cleared.

The Committee deliberated.

Counsel and Agents called in.

Joseph Fishbourne called in, and Examination resumed by the *Committee*.

8620. You have told the Committee one of the houses was sold; which house was it?—The left-hand house.

8621. The private house?—Yes.

8622. The house in which there was no shop?—Yes.

8623. What did that consist of?—The number of rooms, is it?

8624. Yes.—I cannot tell.

8625. Where was that sold?—Before Mr. M'Cann.

8626. In Dublin?—In Dublin.

8627. And what remains unsold of those premises?—My own impression is, that the shop house was not sold; I am not sure whether it was or not; my impression is it was not sold.

8628. Do you know what the shop house consisted of?—What number of rooms?

8629. Yes.—No.

8630. You say there was a shop, and a shop room over it?—Yes.

8631. They were parted from all the rest of the house?—Yes.

8632. Except by the door below?—Yes, I think they were.

8633. And I suppose the private house was sold?—The private house was sold.

8634. And all the timber-yard and garden behind it were all sold?—Yes, there was one of the gardens sold; there were two gardens; one garden was certainly sold; the other garden there was an ejectment brought against it immediately on our getting possession of the property, and the landlord, who was my father, got possession of it under the ejectment.

8635. Then Mr. O'Brien lost possession of that part?—He did, by the ejectment.

8636. Your father got possession of it?—Yes; there were two gardens.

8637. One was sold?—Yes.

8638. And the other your father got possession of?—Yes, by ejection,

8639. And the timber-yard was sold also?—Yes.

8640. You say you sealed up the shop door?—Every evening.

8641. For how long a time?—A few months; either Mr. Wheyland or I sealed it up every evening.

8642. O'Brien could not get into it?—No.

8643. The front door of the shop, was that also locked?—Yes.

8644. And the door leading into the private house was locked also?—Oh! no; we had orders from Mr. M'Cann to render the bankrupt every accommodation that we possibly could which would not militate against the estate; and for which reason when I came down (Mr. Wheyland never appeared before Mr. M'Cann,) and when I came down from Dublin Mr. Wheyland wished to take up

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possession from Mr. O'Brien, and I said that I would not be a party to that, for that it was the impression of the commissioner, Mr. M'Cann, that we should render him every accommodation, and that if he did not do so I would have no more to say to it.

8645. Which door did you seal?—The shop-door.

8646. The shop door into the house?—Into the passage at the foot of the stairs.

8647. You sealed that every evening?—Yes.

8648. You had possession of the front door of the shop leading into Tullow-street?—We bolted that inside, and retired into the passage; through the door into the passage from the shop.

8649. Then O'Brien had not possession of the shop?—Oh no, until we sold out the goods; then we gave it up to O'Brien again.

8650. You did that by Mr. M'Cann's order?—Yes.

8651. And then all the rest, except the shop, and that room that was adjoining, were connected with the private house?—Oh yes, except the shop and the room over it. It was what you often see in a shop, a little balcony round, with a light from the head, and one little room off that; that was the only part O'Brien had not access to during the time we were there.

8652. A shop and a warehouse?—Yes; a little lobby that was round it.

8653. Was the private house freehold?—He held it by lease.

8654. You said it was held under two different; you stated Mr. O'Brien's property was under two different tenures?—It was either leasehold or freehold; I do not exactly know the difference between the two.

8655. Which was the freehold?—I say the houses were either leasehold or freehold; I do not know the difference.

8656. Both in one lease, or separate leases?—Separate leases.

8657. From the same landlord, the same owner?—Yes, I think they were.

8658. Only taken at different times; was that the distinction?—I do not know whether taken at different times.

8659. Did he pay any ground-rent for the houses do you know; Mr. O'Brien did he pay any ground-rent on the houses?—He paid rent for them.

8660. What was the rent he paid?—The rent returned to us was 80 *l.* a year.

8661. That was the value of the houses?—The yearly rent.

8662. Do you know whether Mr. O'Brien paid anything; did he hold the premises liable to an annual payment; they give so much first of all for the goodwill for so many years in Ireland?—No, they take it, generally speaking, at so much a year; they seldom give a fine.

8663. While you were in possession who paid the ground-rent; was any ground-rent due during the time you were in possession?—I do not understand the difference between the ground-rent.

8664. Was there any annual rent; while you were in possession, was there any rent due?—

Mr. *Wrangham* stated he had never said he was in possession; he had denied he was.

8665. While you were acting under Mr. M'Cann was any claim made on you for rent?—I rather think there was; I never paid any money transactions; Mr. Wheyland had all that; he is agent of the bank. I cannot distinctly say whether there was money paid or not; I think there must have been money demanded; I rather think it was, but whether it was or not I cannot be positive. I never paid any money myself, nor did I ever receive any money.

8666. Who was in possession of the property remaining unsold?—I think there was some of it given up.

8667. Who is now in possession of it? You say some property is still unsold; that is the impression on your mind; who is now in the possession of that part of the property?—I think there was a private sale made of some of it; there were other parts of it given up; we could get nothing for it.

8668. Given up to whom?—To the landlord.

8669. O'Brien?—No, to the landlord of the plot; there was a plot down further in the town; not part of that.

8670. Did O'Brien retain any part of it?—O'Brien retains the part where he lived.

8671. Under the circumstances you have stated to the Committee, now is he permitted to retain that part; I cannot advert to them more particularly?—It was purchased; where he lives at present was purchased in trust for him, and therefore

therefore he never was altered out of it; we never took possession by order of Mr. M'Cann; on the day of sale it was purchased on trust for him, and as we understood—

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Mr. *Austin* was heard to apply to the Committee to put a question, but upon the suggestion of a Member that he had intended to put the question, the learned counsel did not press the application.

8672. You have stated part of the property was bought in trust for O'Brien?—Yes.

8673. Am I to understand you part of the property is now vested in the names of trustees?—Oh no; I think, as far as I know, I think the deed of sale is to be made out to him.

8674. When property is purchased in trust, it generally is not in the name of the party, but in the names of the trustees; such as stock, or anything else?—I purchased myself there, for the Waterford Company, 500 shares of some insurance office; and although I purchased it in my name, I took no further pains about it; I handed over the thing; the deed of sale was made out a fortnight afterwards in their name, in the name of the people afterwards; my name was never put in the deed.

8675. But if this property was purchased for O'Brien, is it not liable to his engagements?—I do not know as to that; I am only telling you of the fact as it occurred.

8676. (By Mr. *Wrangham*, through the *Committee*.) Perhaps the Committee will ask whether the voter has obtained a certificate; has the voter obtained his certificate, for which he applied to you to sign?—Yes.

8677. What was the date of that?—I cannot tell you.

8678. About; within any reasonable time; what time did he apply to you about it?—It is six or seven months ago; it is a year ago since he applied to me to sign for him.

8679. Did you sign immediately on his application?—I did; because I conceived that it was misfortunes in trade had met him, and I did not think there was trick or anything in the thing throughout; I thought I had every right to sign it for the man.

8680. Had O'Brien possession of any portion of the premises during the time you were in the habit of locking up the shop and warehouse?—Yes; the key of the hall every day.

8681. What portion had he?—He had the hall; I think the room they called the drawing-room; either a parlour or drawing-room, and some bed-rooms; I do not know how many; I cannot tell how many.

8682. Was he ever disturbed in the occupation of those rooms?—Never.

8683. He had the key of the hall door by permission of Mr. M'Cann?—Yes; I may say by his orders.

8684. Not by his own order?—By O'Brien's?

8685. Yes.—Oh no, by Mr. M'Cann.

8686. (By Mr. *Wrangham*.) I ask you whether it was not in consequence of the orders from Mr. M'Cann that possession was never delivered up by the voter. Was it by the order of Mr. M'Cann that the possession of the house was never delivered up by the voter?—Yes.

8687. Did Giltenan live in the house?—He did.

8688. How long?—During the sale of the soft goods.

8689. What part of the house did he occupy?—A room on the left of the hall door as you went in.

8690. Nothing more?—Nothing more.

8691. (By Mr. *Wrangham*, through the *Committee*.) Did the voter remain in possession of the entire premises except the shop for the time while the soft goods were selling?—He did.

8692. Do I understand, with the exception of the shop, the voter remained in possession of all the premises?—Yes, he did.

8693. With the exception of the shop?—With the exception of the shop and one room over it.

8694. Was it by Mr. M'Cann's order you put Giltenan in the house?—No.

8695. It was your own doing?—Yes, and Mr. Wheyland's.

8696. With a view to preserve the property?—We wanted to have him there

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as convenient as we could to receive the money, because there were a great number of shopkeepers at Carlow came to us and purchased a great deal of the goods at first cost price, and then we would want to have him there, because we thought it safer to have the money go through a second hand, in case there might be any talk of it afterwards.

8697. Did M'Cann say anything to you why you should leave O'Brien in possession?—He said it was always his practice to be as lenient as he could to a bankrupt in every case when he saw fairness going on; he told us if we saw anything wrong by the man, that we should report it to him, and that he would immediately have him removed.

8698. If Mr. O'Brien had been playing any tricks with the property, he would have ordered you, under those circumstances, to remove him?—I should suppose so, from what he said to us.

8699. Did you ever take the key of the hall door from O'Brien during the time you were in possession?—Oh, never; in fact whenever I went——

8700. Did you ever take the key of the hall door?—No, whenever I went there, it was either O'Brien or one of the servants opened the door to me, either I or Mr. Wheyland went every morning.

Mr. Wrangham.] An Honourable Member has asked whether it was by Wheyland's and this gentleman's order, by their order that Giltenan was put in; would an Honourable Member ask whether it was by permission of the voter that that room was borrowed for the use of Giltenan?

8701. Was it by permission of the voter you took that room for Giltenan?—*The Witness.*] Yes, we asked, "would he have any objection?" he said "None in the world."

8702. Suppose he had refused permission, should you have put him in, in spite of his refusal?—We would have applied to Mr. M'Cann.

8703. And I suppose O'Brien was living there by permission of Mr. M'Cann, and not in his own right?—Certainly, I should think so; when Mr. M'Cann gave us that direction to leave him there, not to disturb him, he did not think it would be any benefit to the estate putting him out of it, and so to leave him there.

8704. You considered Mr. M'Cann in possession; but Mr. O'Brien was there by his permission?—Yes, I think he was; I do not know the law technicalities of it.

8705. You stated the entire premises were valued to you at 80*l.* a year?—That was the rent of them.

8706. Was that the beneficial rent?—That was the rent O'Brien paid, that O'Brien had been subject to for the premises.

8707. What were they worth altogether; was that their full value?—I should think very nearly; I never set a house in my life myself.

8708. Did he hold it on a long lease or not?—I think he held it for years or lives, I should should think not a long lease.

8709. Is he at a less rent now, think you?—No, I think not; I have no reason to think so.

8710. Property is as valuable now in Carlow as when he took those premises?—I rather think they are something more value now.

8711. What do you conceive to be the value of that part of the premises which you say were not sold in Dublin?—I should think from 20*l.* to 30*l.* a year; that is my own impression, from comparing them with property of my own; I never valued a house in my life.

8712. Has he been since ejected from that part of the premises?—No, not that I know of.

8713. You mentioned that all Mr. O'Brien's goods were sold, but that afterwards he started business again?—Yes, there is business carried on there.

8714. How soon did he start in business after all his goods had been sold?—I think in a few months; it might be more or less; it is a thing I never kept an account of; it is two years ago since the thing occurred.

8715. Was it two months?—Yes.

8716. Has he, since his goods were sold, started again in business?—I conceive the question you put to me was, was there business started again in the premises; that was, I think, the question.

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8717. All his goods, timber and everything, were sold?—Yes.

8718. Did he ever start in business again?—There is business carried on there; whether it is by O'Brien or not I cannot say; that is in the soft goods way.

8719. Who attends in the shop?—I was in there once or twice since the business, and I saw O'Brien and his family there; his children, O'Brien and his daughter.

8720. And who else?—And I think one of his sons.

8721. Is O'Brien's name over the door?—I do not know that there is any alteration in it.

8722. Cannot you speak positively?—I think O'Brien is over the door still.

8723. Is O'Brien considered the owner of the shop or not?—I always heard him considered so; I considered he was.

8724. Was that previous to this change; you say now you do not know in whose hands it is?—My impression is it is in O'Brien's hands.

8725. Do you consider O'Brien as the owner of the shop?—I did; and of the timber-yard.

8726. Do you consider?—Now?

8727. Yes.—Yes, I do.

8728. Does he carry on the timber trade now?—Yes, I purchased timber there lately myself.

8729. Have you purchased it of O'Brien?—Yes.

8730. Have you received an account of it?—I have.

8731. And O'Brien's name at the top of it?—Yes, Daniel O'Brien.

8732. What is the son's name?—He has two sons; I believe he has more; I know two sons by name of John and George.

8733. Did you pay the money for the timber to O'Brien?—It was paid in my office on my order; the bill was sent down; I have an office in Carlow; the bill was sent down from Daniel O'Brien; I looked over it and saw it was what I got; I initialed it, and sent his man into my office, and he was paid for it.

8734. Do you know who it was paid to?—To his man.

8735. To O'Brien's man?—Yes, who has been there for many years.

8736. What age are his sons?—One of them is, I should say, 25, 26, or 27, the other I do not think is 20.

8737. Has he ever told you he was a partner with his father?—No.

8738. Do you know he is?—No.

8739. You do not know he is not?—I do not know whether he is or not.

8740. Is he with the father?—One of them is with the father.

8741. Which, the elder?—The young one is with the father; the elder, I think, was in Youghal; he has gone down the North.

[The Witness withdrew.]

John Waring called in; affirmed, and Examined by Mr. *Austin*.

8742. DO you live in Carlow, Mr. Waring?—I do, within two miles of Carlow.

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8743. Do you know Daniel O'Brien?—I do.

8744. Were you present in Dublin at any sale of his property?—Yes I was.

8745. How long ago did that take place, do you recollect?—I think it was in July 1837; I have no record of it; that is as well as my memory serves me.

8746. Are you a relation of Mr. O'Brien?—Yes, I am.

8747. A cousin?—Yes.

8748. Did O'Brien make any application to you about that time, or had he done so before, about purchasing the property?—I was security for a farm O'Brien held, and I happened to be there wishing to purchase that farm for myself.

8749. Did he make any application?—He applied to me to purchase these premises.

8750. O'Brien did?—To bid for them.

8751. For what purpose were you to bid for them?—I don't recollect that we entered into any conversation who was to have them or not; at the time he had not obtained his certificate, and I thought it seemed uncertain whether he would obtain it or not.

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8752. Did he tell you what he wanted them to be purchased for by you?—I do not recollect; but as well as I recollect, I thought it was for his family.

8753. Be so obliging as to recollect a little accurately, and tell us whether he did not tell you the persons for whom the property was to be purchased; remember, take plenty of time?—I don't think he did; perhaps my own impression might have been it was for the family.

8754. Never mind that; did anything pass between you as to whom the property was to be bought for?—I do not recollect that there did.

8755. You answer too quickly?—I have my mind made up on the subject.

8756. Perhaps you will nevertheless recollect?—I will take until to-morrow to recollect, if you wish it; I have been so long prepared here, that I cannot be without thinking on the subject.

8757. Attend to the questions and answer them; did you attend the sale?—Yes, I did.

8758. Was O'Brien there?—Yes, he was.

8759. Did you hear the property put up?—I did.

8760. Was it knocked down?—It was.

8761. To whom?—To me.

8762. What did you bid for it?—I do not exactly recollect; there were two parts; there was a house and deal-yard, and a shop, put up separately.

8763. Put up separate, and both knocked down to you, were they?—Yes; the house and deal-yard I objected to buy, because I thought he would be extending his business; either himself or his family would be extending more than I thought would serve him; I objected to buy the deal-yard at first; it was put up first, and he then begged me to buy that lest the other should go too high, and he should not be able to purchase it.

8764. Did you buy it?—Yes.

8765. What did you give for the two?—I do not recollect; I deposited one-third of the purchase-money.

8766. You made a deposit of the purchase-money?—Yes, one-third.

8767. One-third, required by the terms of the sale, I suppose?—Yes.

8768. And you bought the whole of the premises, did you?—Yes.

8769. Do you know these premises?—Oh, I do perfectly well.

8770. They are situated in Carlow, are they not?—Yes.

8771. Tullow-street, there?—Yes.

8772. What do they consist of?—There is a house and deal-yard, and there is a shop and other concerns backwards; the two houses are connected internally.

8773. Do you know the premises inside?—I do, I think.

8774. You have been in there?—Oh yes, very frequently.

8775. Is there any connexion below between the shop part and the house part?—Oh yes, I understand there is; I have not been much there since.

8776. Were you ever there?—Oh yes, there was——

8777. Do not tell us what you understand, but what you know; is there any communication between the shop part and the house part?—Yes, there is, when I was in the habit of being in there.

8778. Have you been up stairs, over the shop?—Very often.

8779. What is there up stairs over the shop?—I do not know what is there at present.

8780. Don't talk to me about present; you tell me you have been in the place yourself?—I have not been in any part of the house for 12 months.

8781. Tell us what was there 12 months ago; when you were there 12 months ago, what was there over the shop?—I do not recollect, except a bed-room, and the like of that, over it.

8782. Was there a bed-room over?—Yes, I think there was.

8783. Was there a warehouse?—Over the shop?

8784. Yes.—No; I think the warehouse was backwards; the shop and ware-room; the wareroom was behind the shop.

8785. The wareroom was on the same floor with the shop?—Yes; on the ground floor.

8786. Behind the shop?—Yes.

8787. Did the wareroom and the shop occupy the whole of the ground-floor, or were there other rooms?—Yes, I think it did; of that one particular part.

8788. Of that part?—Yes.

8789. It

8789. It occupied the whole of that?—Yes, latterly he had; what he called the wareroom formerly, was turned into a sitting room, as far as I understand.

8790. Where was that?—Backwards of the shop.

8791. Have you seen it since it has been turned into a sitting room?—I have seen them sitting in it from the shop; there is a screen that passes between that shop and that part of it.

8792. Just go on and tell us what there was above; a bed-room, you think; was there anything else?—I do not recollect of anything since his bankruptcy.

8793. Was there a communication between the top part of the shop, the rooms over the shop, and the other parts of the house?—Yes, there was.

8794. By a door?—Yes.

8795. One or more doors?—There were several; it was a very complicated house.

8796. There were several doors?—Yes.

8797. Were they not, in fact, all one house and one concern, the house and the shop part; was it not, in fact, one concern?—Why, latterly, it appeared to be one concern; but I purchased it as two separate lots.

8798. Have you any doubt they were one concern, the house and the shop?—No, I think not.

8799. Then they lived in the house part; is that so; did they live in the house part?—I believe one day of the week they lived in one part of the house, and the rest of the week, for being convenient to the shop, they lived in the other.

8800. They slept in the house, or the other rooms over the shop?—I do not know where they slept.

8801. There were bed-rooms in both, were there?—Yes.

8802. All occupied by the same family?—Yes, so I understood.

8803. I do not ask you what you understood, but what you observed?—I have not been in the house, up stairs, at all, since the time I purchased it for him; we had a difference at the time, on account of my not giving him the farm I purchased.

8804. Was it not all held by O'Brien and his family; all occupied by O'Brien and his family?—Yes.

8805. As one house and shop?—Yes.

8806. And as you now so well know the premises, Mr. Waring, and as you told us you purchased the whole of these premises, now be so good as to tell the Committee for whom you purchased them?—Why, I cannot tell that; for I never—I do not recollect that anything passed that either he or his family were to have it.

8807. Did you buy for yourself?—No.

8808. You bought them at his direction?—Yes.

8809. For whom did you buy them?—I cannot tell who I bought them for.

8810. Is that your final answer?—Yes, that is my final answer; whether it was for himself or his family; I do not recollect that the thought passed in my mind which should have them; he had not got out his certificate at the time.

8811. Don't you know that for that reason he gave you directions of a particular kind for whom to purchase?—I do not recollect that he did.

8812. Do you mean to state that?—I do.

8813. That you do not know for whom he directed you to purchase?—No, I do not; I am quite positive as to that.

8814. Don't you know you did not buy them for him?—Don't I know I did not buy them for him?

8815. Don't you know you did not buy them for him. You have told us he had not got his certificate?—Yes, he had not got his certificate.

8816. Don't you know you did not buy them for him?—[A pause.]

8817. Now, Sir?—I do not know who I bought them for; I did not buy them for myself.

8818. Be so good as to attend to the question and answer it?—I am trying to attend to it; but it is so difficult a thing.

8819. You told us this man had not got his certificate at the time; are you a tradesman?—No, I am a farmer.

8820. Are you acquainted with matters about bankruptcy; do you know a bankrupt who has not got his certificate cannot hold property?—I am quite aware of that.

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8821. As you are aware of that, and as you knew he had not got his certificate at the time, now answer my question. Don't you know you did not buy the property for him?—[*A pause.*] I suppose I did not; I don't know.

8822. Don't you know you did not. Come now, answer that question. [*A pause.*] Don't you know you did not?—[*A pause.*] I knew at the time that he was not eligible.

8823. You mean to say eligible to hold them if you did buy them?—Yes.

8824. Don't you know you did not buy them for him?—I suppose not.

8825. Have you any doubt you did not? Why do you, Mr. Waring, compel me to put these questions to you?—Why, it is a very hard question to answer, because I never at the time thought, or that such a thought passed my mind, whether he or his family; I did not care which of them had it.

8826. Don't you know you did not buy it for him?—I suppose I did not.

8827. Have you any doubt?—I do not think I did buy them for him, for, circumstanced as he was, I suppose he could not possess them.

8828. Don't you know you did not buy them for him?—I suppose so. I do know I did not buy them for him; it turned out he could not be the proprietor of them, and it could not be I bought it for him.

8829. That is an answer that won't do; don't you know you did not buy the property for Dan O'Brien, who was not certificated; don't you know that?—[*A pause.*]

[The Witness was ordered to withdraw.]

Mr. *Wrangham* was heard to object to Mr. Austin being allowed to proceed in this course of examination of the witness.

Mr. *Austin* was heard to answer the objection.

Mr. *Wrangham* replied.

The *Chairman* stated the Committee were of opinion the examination might proceed.

John Waring recalled; and Examination continued by Mr. *Austin*.

The *Witness*.] I was thinking of just saying to the Committee, I am no partizan of either side, and have no wish to hide anything I have on my mind; it is not from anything of that kind I hesitate; the thing seems so intricate, and I not having fixed who was to have the property and who not.

8830. Then we shall have no difficulty; as you are so anxious to state facts, be so good as to tell me whether you had not conversation, before you purchased the property at the auction, with O'Brien, as to who the property should be purchased for?—I do not recollect that I had, for until I went there that morning, I do not recollect I ever spoke to him on the subject. I had no wish to purchase or have anything to do with it. I suffered so much by him before, that I felt myself so aggrieved, that I did not wish to have anything to do with him.

8831. Now, be so good as to recollect whether you had any conversation with him on the subject as to who it was to be bought for?—I do not. I imagined it was for the children, as he was circumstanced as he was.

8832. What children?—His.

8833. John?—John Grieves O'Brien and Anna.

[The Witness was ordered to withdraw.]

Mr. *Wrangham* applied to have the answer of the witness, wherein he stated his imagination upon the subject of the party for whom he purchased, struck off the Minutes.

Mr. *Austin* was heard to support his right to have the answer remain on the Minutes.

Mr. *Wrangham* was heard to reply.

The *Chairman* stated the opinion of the Committee was, the examination might proceed.

John Waring again called; Examination continued by Mr. *Austin*.

8834. You say you imagine you bought it for them?—Yes, that was the impression that was on my mind, that it was for them; that it must have been when he was not in a state to occupy it.

8835. Have

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8835. Have you any doubt you bought it for them, now, Mr. Waring?— I have no doubt that I bought it.

8835*. That is half the answer. Have you any doubt you bought it for them?—It turns out it was for them.

8836. Have you any doubt you bought it for them?—No, I think not.

8837. Have you any doubt whatever that you bought it for them?—No. I did not know at the time, though; I did not know at the time for who it was or was not; nor did not consider, nor did not care, for I could not occupy it myself: but I am not wishing to hide anything.

8838. So you say, sir; I am quite satisfied of that?—I would be glad the Committee would be divested of that idea, at all events.

8839. You have now told us you have known since you bought it for them?—Yes, they are in the occupation of it.

8840. When did they go into the occupation of it?—I cannot tell you how many weeks or months after it was purchased.

8841. Nor do I want you to say with that degree of precision; when were they in the occupation of it; about how long after the purchase; a month or two months?—I suppose about three months, I expect, but I have no record of these things.

8842. Don't keep repeating that; at some period like that you describe I understand you to say that John Grieves and Anna O'Brien were in possession of these premises?—Yes.

8843. Were they carrying on the trade there?—John Grieves is only a nominal partner; he was not living in the house; but the daughter, as soon as they got back to the business, came there.

8844. Do I understand you that John Grieves and Anna were carrying on the business?—John was the nominal partner, I heard; Anna and George.

8845. (By Mr. *Wrangham*.) Have you any knowledge on the subject?—Not except from hearsay.

8846. From whom did you hear it?—I cannot say; from the public generally; I do not know but I heard it from himself; I do not know.

8847. From whom?—I think it is likely I did.

8848. Consult your memory if you do not know from Daniel O'Brien that John Grieves and Anna were carrying on the business. Now attend to that question and answer it?—I think he must have said so to me.

8849. Have you any doubt he did say so?—I have a doubt; but I think he did say so.

8850. When do you think he said so; about what time?—I cannot tell thee.

8851. Was it a year ago?—I have heard him saying it since that document came out. (*Pointing to a printed bill in Mr. Austin's hands.*)

8852. You have no doubt now you have heard him say so?—No, not the least. I was speaking to him about that document.

8853. This paper that I hold in my hand you mean?—Yes.

8854. Then he told you John Grieves and Anna were carrying on the business?—Were going to give it up.

8855. At what time was that?—I suppose about two months ago.

8856. Are you in the habit of going to Carlow?—I am there generally two or three times a week.

8857. Did you go to these premises at any time within the last year or year and a half?—Yes, I did; I went into the shop frequently and purchased.

8858. Did you see the son or the daughter there?—Oh yes, frequently.

8859. What were they doing?—They were attending to the shop.

8860. Did you observe the name over the door?—Which name?

8861. Any name?—The name of John, "J. and G. and A. O'Brien" was over the door.

8862. Have you any doubt you read that over the door?—No.

8863. None at all?—No.

8864. How long was "J., G. and A. O'Brien" over the door, do you recollect?—It was just after the commencement of the business.

8865. How long was that after the sale in Dublin?—I think it was in the fall of the year they commenced business.

8866. The fall of that year, 1837?—Yes.

8867. How long did it remain?—I do not know whether the partnership is dissolved, or whether the goods have been sold off yet.

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8868. Is it there now?—I did not take notice of its being removed.

8869. Have you ever taken notice of its being removed?—No.

8870. Did you see it there within a reasonable time; was it there two months ago?—It was there at the time I was speaking to him on the subject.

8871. To the best of your knowledge, has not "J., A. and G. O'Brien" or "J., G. and A. O'Brien," have not those names been over the door from the fall of the year 1837 until two months ago?—Yes; I think they have.

Cross-examined by Mr. *Wrangham*.

8872. Over which door is this?—Over the shop door.

8873. We are told there is another door into the house, a hall door?—Yes, there is.

8874. And also a gateway, we understand?—Yes.

8875. Is there any name over the gateway?—There used to be a name, and I do not recollect whether it was taken down or not. "D. O'Brien's timber and deal yard" was there, as well as I recollect.

8876. To the best of your recollection and belief, is that name there still?—I think it is.

8877. Is your recollection and belief on that subject the same as it is upon the subject of the name of "J., G. O'Brien and A. O'Brien" remaining over the shop?—Yes, exactly.

8878. When you speak of the business having been conducted by J., G. and A. O'Brien, will you tell the Committee what business you refer to?—The soft good business, calicos, printed calicos and linens.

8879. What we call linen drapery?—Yes.

8880. That, as we understand, is carried on in the shop which is to the right part of the premises as you enter?—Yes.

8881. Do you mean to tell the Committee the timber business is carried on by "J., G. and A. O'Brien," the timber-yard?—I do not know who it is carried on by.

8882. Have you had any dealing on the subject of purchases of timber?—Yes; I have purchased timber there since.

8883. Since the bankruptcy?—Yes.

8884. Of whom have you purchased that timber?—There are men in the yard; sawyers, and sometimes his son George.

8885. (By Mr. *Austin*.) Sometimes of the son George, and sometimes of the men in the yard?—Yes.

8886. Who have you paid for that timber?—I have paid different parties, both the son and the sawyers; both; one at one time and one at another.

8887. You have paid ready money?—Yes.

8888. You paid to the person who was there on the spot?—Yes.

8889. Have you ever had any account; you never have had any account?—Not since his failure; not since his bankruptcy; except that I believe I owe him for a board or two yet.

8890. Tell us who do you owe for this board?—I do not know; I owe it to some party; but I never pryed into them particularly on this subject, because he was not satisfied with me because I did not give back the farm that I was security for, and on that I did not wish to inquire into his circumstances or interfere with him; that was the just cause of it.

8891. Have you no knowledge as to who is carrying on the timber business in that timber-yard?—I cannot tell; I cannot tell whether it is the son and daughter or himself.

8892. His name remains over the gateway, you have told us?—Yes, I think it does.

8893. And the name of the son and daughter over the shop?—Yes.

8894. Where does the voter live?—He lives on the premises there with his son and daughter, or whoever owns the house.

8895. Do I understand you then to say to the Committee that you do not know who does own the house?—I do not know who owns the house.

8896. He is living there as he has lived there all along?—Yes.

8897. Have you observed any difference in the position which he occupies in the house from what it was before?—No, I do not observe anything; he is their father, and seems to have the same control over them.

8898. My

8898. My friend has asked you a good deal as to your opinion and your imagination?—

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Mr. *Austin* stated he had not inquired of the witness as to his imagination or opinion.

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8899. You have been asked your belief as to whom you purchased this property for; I want to ask a question as to the fact, with whose money did you purchase it?—Dan O'Brien furnished me the money before the auction commenced.

8900. That is, the voter furnished you the money before the auction commenced?—Yes.

8901. And with that money did you pay?—I deposited one-third, or whatever the commissioner demanded; about one-third; those were the terms of the sale.

8902. Is that the last that you know of the transaction about this sale, and paying this deposit which had been furnished you by the voter; did you pay for the rest of it?—No, I did not.

8903. Do you know who did: I am asking you to your knowledge?—I do not know who did.

8904. Do you know anything, then, further as to the hands that this property came into?—No, I do not. Elliot the attorney——

8905. Do you know anything further than that you were requested by the voter to buy this property; that he furnished you the money; you paid for it; paid the deposit, and there it ended?—Yes; some months ago his son came to me——

8906. If you are going to tell what the son told you, it is not evidence; I am asking you only whether you know of your own knowledge anything further connected with this transaction after you had paid the deposit by the money which was furnished you by the voter?—I do not recollect anything further to remark.

8907. Was there ever any conveyance made out to you?—No, there was not; I believe the conveyance was made in my name; I did not see it.

8908. Have you seen it?—No, I did not see it.

8909. Confine your answers to your own knowledge?—I am asked so many questions and such a variety of them——

Mr. *Austin*.] Give a legal answer.

The *Witness*.] I do not know the law sufficient for that.

8910. Confine yourself to what you know of your own knowledge; I only want to know the facts, and not your belief and your imagination: you have never seen the conveyance, you say?—No, I did not.

8911. You do not know therefore to whom that conveyance is eventually made out?—No, I do not.

8912. You did not pay for any conveyance being made out?—No, I did not.

8913. You told my friend that the children, John Grieves and Anna O'Brien, were in the occupation about three months after the sale, in the occupation and possession of the premises?—For some time afterwards.

8914. Did you mean by that, that they were in the occupation and possession of the shop, or in the occupation and possession of the whole concern?—Why the whole house I consider is in one at present, and they are so connected that I can hardly define one part from the other.

8915. I am not asking you your consideration; you saw them acting in the shop?—Yes I saw Anna; I never saw John there; it is George, the younger brother.

8916. Is it from your having seen them acting in the shop, or one of them, you told my friend that they were in the occupation of it?—Yes.

8917. You say that the voter told you his son and daughter were going to give up the business after this bill came out?—Edward Burton and I was standing together in the street, and he came up; whether it was I asked the question or Edward Burton, I cannot say, and he told that, that they were going to give up business, and had put out that advertisement; that they were going to dissolve partnership.

8918. What business did he tell you they were going to give up?—The business they were in, I suppose.

8919. Do you mean the business that was carried on in the shop?—

Mr. *Austin*.] Ask him what.

8920. Did he tell you what business it was the son and daughter were going

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to give up?—I do not know that he defined it in any way, and we did not ask him particularly; but we understood the business. Is the timber included in that? (*Referring to the printed bill.*) I do not know whether the timber is included in that bill or not.

8920*. Did you read the bill?—Yes, I did.

8921. Do you repeat your last answer, you did not know whether the timber was mentioned in it after that?—I did not recollect, and I do not mind; I do not recollect whether it was or was not; I am not to recollect all the advertisements I read over.

8922. You must really brush up your recollection for me a little, as you have for my learned friend?—Very well.

8923. Do you mean to say you cannot tell the Committee that there was no mention whatever of any timber, or anything connected with the timber-yard in that bill?—I cannot; I do not know whether there was or was not; I can answer that positively.

8924. What was the impression upon your mind?—

Mr. *Austin* objected to the question.

8925. Have you no recollection at all upon the subject?—I have no recollection; but I have an impression.

8926. Let us have it?—

Mr. *Austin* objected to the witness being allowed to state the contents of a written document.

8927. Do you remember the property being sold off?—I do.

8928. After this?—They were not selling it by auction; only selling it cheap.

8929. Where were they selling it?—In the shop.

8930. Did you ever see any timber sold in the shop?—No, I never did.

8931. Do you represent that the property that was sold off, after this bill to which you have referred was printed, was sold off in the shop?—I believe it is not all sold yet.

8932. Was it sold any where but in the shop?—No, not that I heard of.

8933. What was the property that was sold in the shop?—I suppose what is described there.

8934. Do you know what was the nature of the property sold in the shop?—Calicos, linen, and hosiery.

8935. Is it what is called soft goods?—Yes.

8936. Is that all that was sold in the shop, as far as you recollect?—Yes, it is.

8937. I need hardly ask you whether timber is soft goods; perhaps you have a doubt upon that subject?—Some of it is soft and some hard.

8938. Is it or is it not that description of merchandize which comes under the description of soft goods?—No, I could not say it was.

8939. Have you any doubt of that?—No, I think not.

8940. Have you any doubt of it now?—No.

8941. You are quite sure it is not soft goods?—It is not what is termed soft goods in our country.

8942. That you are quite certain?—To be sure deal is a deal softer than oak.

8943. Have you any doubt, when you hear of soft goods, that timber is not included in them?—No.

8944. You have said that you bid for this property, and it was knocked down to you?—Yes.

8945. Did you ever take possession of it?—No, I never did.

8946. Who was in possession of it at the time of the sale?—I do not know who; I suppose Dan O'Brien.

8947. Have you any doubt of it?—I don't know whether the commissioners got it.

8948. Have you any doubt Dan O'Brien was in the occupation of this house at the time of the sale?—I never heard he was out of possession.

8949. You were in Carlow from time to time, were you not?—Yes, I was.

8950. Have you any doubt that he remained there the whole time?—He was some time out of the town; some weeks, I suppose; but I never heard he was out of possession; I never knew it.

8951. Had he any servant?—He had a servant.

8952. Do you know whether that servant remained?—I rather think she did; but to be certain, I cannot tell.

8953. Have you ever gone there at any time when he was away from town; from

from Carlow?—I do not recollect whether I was or was not; I might or might not; I was very much in the habit of being there before this occurrence, and since that I have not been there much at all.

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8954. Have you ever at that time, when these matters were going on, were you in the habit of being there?—While the bankrupt commission was going on?

8955. While the sales were going on?—I was in there frequently.

8956. Did you go in at the hall door ever?—Certainly.

8957. Who opened the door to you?—A variety of people; he had a servant man and a servant woman for a while.

8958. Did they open the door?—Yes.

8959. Have you ever known them removed from the premises?—I never knew the servant girl; the servant man was discharged a good while ago.

8960. When was it the man was discharged; do you remember?—The man who was in it at that time was discharged a year and a half or two years ago, immediately after the children commenced business; I think so.

8961. So far as your knowledge extends, can you say to the Committee that any alteration has taken place in Daniel O'Brien's occupation of this house?—No.

Re-examined by Mr. *Austin*.

8962. When did the man servant go away?—I think pretty directly after the girls commenced business; after Anna and John commenced business, as well as I recollect right, I think it was.

Examined by Mr. *Wrangham*.

8963. Do you know the value of these premises to let?—Indeed I do not.

8964. Do you know the rent?—I heard it, but I do not recollect. I think it is one house about 35*l.* a year, and the other about 25*l.*

Re-examination resumed by Mr. *Austin*.

8965. Did the maid servant remain?—Yes, I think she did.

8966. What was she, a house servant?—Yes.

8967. She remained in the house, did she?—Yes.

Examined by the *Committee*.

8968. You say you purchased the property at the sale?—Yes.

8969. You purchased it in your own name?—It was in my name it was entered, I suppose.

8970. It was knocked down to you?—Yes.

8971. Do you know who it was assigned over to?—I never saw the assignments over, I never read them.

8972. Naturally, as you bought it in your name, they would come to you as the person to whom they would assign it over?—I rather think it was in my name the documents were drawn up; but I never read or saw them; Elliot spoke to me upon the subject, and I referred him to Dan O'Brien; Elliot was the attorney for the commissioners, and he spoke to me, saying that he was not paid for these documents and he looked to me for payment; I told him it was to Dan O'Brien he was to look.

8973. You stated Mr. O'Brien gave you the money before the auction?—Yes.

8974. How much money did he give you?—I would expect somewhere about 20*l.*, but I do not recollect.

8975. Twenty pounds?—Yes, 20*l.*

8976. Do you remember what it was you paid to the commissioners?—I do not recollect the exact sum.

8977. Cannot you tell me about?—As near as I could go to it, one-third of the purchase money I handed to him, and handed the rest—

8978. What was the amount of that one third?—I expect 16*l.* or 18*l.*; but I do not recollect the amount.

8979. Do you know the amount the premises sold for?—I do not recollect the exact amount.

8980. Tell us then about?—I expect between 40*l.* and 50*l.* the two houses were sold for.

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8981. Not more than 40*l.* or 50*l.*?—I think not; it was something nominal. There was no one bid against me.

8982. What was the property you bought?—The property that he occupied.

8983. What did it consist of?—Two houses in Tullow-street.

8984. Anything else?—Nothing else that I recollect.

8985. Any garden?—The yard was a separate take from the other, and they were purchased in by some one else, I suppose, for him.

8986. Was it the leasehold interest that you purchased?—Yes.

8987. The shop and private house?—Yes, they were put up differently.

8988. What rent did he pay?—I think the deal-yard house was about 25*l.* a year, and the other about 35*l.* or 35 guineas, as well as I recollect; they are under separate leases. They were put up at separate times at the auction; there were two separate sales made of them.

8989. Did you sign the agreement for the purchase?—No, I did not.

8990. The purchasers would have to pay the rent of those houses?—Certainly, they were liable to that rent. It was only just a nominal purchase.

8991. Have you transferred the property over to any one since?—No, I did not.

8992. Did you sign the agreement for the purchase?—I do not recollect whether I signed the book before the commissioner or not; I know I signed it in the case of the farm I took; but I do not know whether I signed it in that case or not; I do not know whether I signed it on the other account or not.

8993. (By Mr. *Wrangham*). The farm was what you bought upon your own account?—Yes.

8994. Has the attorney who made the purchase deed ever called on you for payment of the expenses?—He did some time afterwards; he was saying he looked to me for it, and I told him I would have nothing to do with it, and let him look to Dan O'Brien; I was not speaking to him on the subject for a year and a half.

8995. Do you mean it is a year and a half since you heard from the attorney on the subject?—Yes.

8996. Did O'Brien say anything to you when he gave you the money?—He wished me to purchase the house.

8997. For whom?—I cannot recollect that he particularized any one, only just to purchase it, and I done so. He may or may not; but I do not recollect.

8998. Was O'Brien in difficulties when you purchased the house?—Sure he was a bankrupt.

8999. Did you ask him, as he was in difficulty, did you not ask him whose money it was; how came he to be able to purchase a house if he was in difficulties?—I did not ask him where he got the money. I imagined it was his friends. I do not imagine that the money was any part of his estate.

9000. Do you know if his children are independent of him?—As a parent?

9001. Independent; are they independent of him in money matters?—I cannot tell how they are circumstanced at all; he purchases and seems to have the management in the place.

9002. If he was in difficulty, were you not surprised how he obtained the the money?—I understood that he got the money from relations of his to make this purchase.

[The Witness withdrew.]

Mr. *John Burgess*, called in; sworn, and Examined by Mr. *Austin*.

Mr. John Burgess.

9003. ARE you an attorney, Mr. Burgess?—I am.

9004. Do you remember being employed to prosecute some person, or to defend some person in the last October sessions?—I was employed to defend several at the last October sessions.

9005. What sessions, town or county, or what?—The sessions held for the division of Carlow in the town of Carlow.

9006. Do you remember any person being indicted for shoplifting?—I recollect a person indicted for shoplifting; as well as my recollection serves me, the person's name was Dillon.

9007. Do you know a man by the name of Daniel O'Brien in Carlow?—I do.

9008. Was

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9008. Was he examined as a witness on that occasion?—He was.
9009. Were any questions put to O'Brien with reference to the property?—There were several.
9010. Was that the property alleged to have been stolen?—The property alleged in the indictment to have been stolen, was a piece of calico, the property of two persons of the name of John and Ann O'Brien.
9011. And Dan O'Brien was called as a witness?—Yes; a piece of calico stolen from the premises in Tullow-street, the property of two children of Dan O'Brien, John and Ann.
9012. You say Daniel O'Brien was examined?—He was.
9013. Do you remember the statement he made?—I cross-examined him; I was concerned on the part of the prisoner.
9014. What answers did he make on that occasion?—Why, I examined him as to the identity of the calico.
9015. And what else?—And I cross-examined with respect to the property.
9016. What answer did he make on that cross-examination?—On his affirmation he proved the calico stolen, or alleged to be stolen, was not his property, but the property of the two persons named in the indictment.
9017. John and Ann?—John and Ann O'Brien.
9018. Did he state anything else as to his circumstances?—I questioned him further about his circumstances, about how the children had the property.
9019. What answers did he make?—He stated, (I questioned him about the premises in Tullow-street), he stated the property was not his, neither were the premises in Tullow-street his.
9020. Did he state to whom the premises in Tullow-street belonged?—Yes, I should think he did.
9021. Do you recollect whether he did or not?—I cannot say positively, but the impression on my mind is—
9022. Never mind; he stated they were not his?—Yes, they were not his; he stated distinctly the calico was the property of his children, and I am almost certain he stated the house and premises were not his property, and were the property of his children; I pressed him further; now, on recollection, I can state it; I asked him the reason, how could the children obtain the property? and he stated that it was a custom in the creed which he belonged to, among the Society of Friends, that when any of the persons in their persuasion, when they failed in the world, generally the friends assisted the family, or something to that effect, and in that way he accounted—
9023. When they fail in the world; did he state anything about his own failure in the world?—He admitted he was a bankrupt.
9024. Did you vote at the election?—Yes.
9025. Which side did you vote?—I voted for Mr. Gisborne.
9026. Were you active at the election for him?—I acted as an inspector at the booth.
9027. Acted for him?—Yes, in his interest.

Cross-examined by Mr. *Wrangham*.

9028. So you were concerned for Dillon, Mr. Burgess?—I was concerned for a person, and I told you I believe his name was Dillon.
9029. Can't you recollect whether it was or not?—Not positive.
9030. Do you take so little interest in the persons who have the happiness of your protection, that you do not recollect their names; have you any doubt his name was Dillon?—I have said I do not recollect, but think his name was Dillon.
9031. You have an impression his name was Dillon?—I believe it was.
9032. You are quite sure the voter was called as a witness?—I am positive he was called as a witness, and Mr. French was by along with me, and he suggested to me putting the questions with respect to the property.
9033. Mr. French, the agent for the petitioners?—Yes.
9034. He suggested your putting a question as to the property, was it?—Yes.
9035. This was the last October sessions?—I am almost certain it was.
9036. Have you told us all that passed between you and the voter at this time,

Mr. John Burgess. time, with respect to this property?—I cannot recollect the entire of his answers in cross-examination.

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9037. You can recollect whether you have told us the whole, I dare say?—I have told you all I recollect of it.

9038. Do you mean to swear that?—I have not told you every word he said, of course; but as well as I can recollect, the substance.

9039. Let us hear some of the other words he said in this examination, prompted by the agent for the petitioner?—I recollect he said something about; I believe I asked him “did he not vote in 1837?” and I recollect that he admitted that he did, and I believe he said that he would attempt to explain it.

9040. Did he attempt to explain it?—I do not know; my impression is that I attempted to prevent him explaining it if possible.

9041. We must have a little more than impression, if you please?—I do not recollect he explained it at present.

9042. We will see whether you will presently; you do not recollect his explaining it; do you recollect; you say he said that the premises and property in Tullow-street; you think he said the premises as well as the property were his children’s?—The premises in Tullow-street.

9043. Which premises in Tullow-street?—I do not know. I know them by looking at them in passing by. I was once or twice in the garden of the place; with respect to the premises, I do not know them particularly.

9044. Was it with respect to the shop you inquired?—I did not mention particularly the shop; I said the premises, as well as my recollection; the goods were taken out of the shop.

9045. The goods were taken out of the shop?—Yes.

9046. The charge of shoplifting, was it?—Yes.

9047. And the question arose as to whose the property was?—Precisely.

9048. And incidental to that, as I understand it, to whom the premises belonged?—Yes.

9049. Were not those the premises from which the goods had been stolen?—Which premises?

9050. That the question arose about?—No; the question arose with respect to this: it was unimportant to whom the premises belonged; it was the whole essence of the indictment to ascertain to whom the calico belonged.

9051. The question arose to whom the calico belonged?—Yes.

9052. And incidental to that, the question was asked to whom the premises belonged?—Yes, just so; because I considered it natural to suppose that if the premises were O’Brien’s, the property that was in them was also his.

9053. That is to say, if the shop was O’Brien’s, the goods were O’Brien’s also?—Yes.

9054. And *vice versa* if the goods were not O’Brien’s that the shop was not?—I would consider so.

9055. I only ask you whether your question and the answer, so far as you can state to the Committee, applied to the shop and the goods in it?—I would say it applied to both.

9056. But to no more than to the shop and the goods?—I do not recollect making use of the word shop at all; I said premises, but I take it for granted that it was the shop, because the property was stolen from the shop.

9057. You take it for granted it was the shop to which your question referred?—I should say so.

9058. Have you any doubt the witness would so understand it, as you framed your question?—I should say he could not.

9059. Could not what?—Misunderstand my question.

9060. That he would understand it to refer to the shop?—To the shop and to the buildings attached to the shop; the back part of the premises; there is up stairs in it, and there is a gallery where goods are sold.

9061. A wareroom and things of that sort?—Yes.

9062. I only want to know; you said you asked him something about whether he had not voted?—I did.

9063. In 1837?—Yes.

9064. Do you remember what his answer was to that; I am sure you will tell me if you recollect it?—I think he said “I know what you are at, John; you had me before;” for I examined him some time previously in another case; I believe also respecting a larceny, and I touched him up; I cross-examined as you are touching me up now.

9065. You brought him to the same point by a cross-examination?—Yes, I believe so; I have only a faint recollection; I recollect examining him in another case. Mr. John Burgess.
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9066. I do not want to know the ingenuity with which you had played with your fish in other cases?—I have no pretence of that sort, after what I have seen in London.

9067. What I want to know is what the voter said on the last particular occasion. He said "Oh John something or another, I know what you are at"?—He said he would explain it, and, as well as my recollection serves me at present, he spoke something about separate premises; I do not know what it was.

9068. Attend to me; did he say "I see what you are at; you are striving to attack my vote"?—No.

9069. Or words to that effect?—Not as I recollect.

9070. Did he say words to that effect?—I think I might say he said words to that effect; but that was not what he said.

9071. Did he go on to say "But I tell you you are mistaken, as I never registered out of that house, but only my other concerns"?—No; I do not recollect that at all.

9072. "Namely, the house, offices, and timber-yard"?—No, I have no recollection; if I recollected it, I would tell you at once.

9073. Tax your recollection a little further, and probably you may recall the circumstance to your mind; you would not conceal it?—I have no recollection of his having said it; my recollection of the thing is, when I spoke to him about the property, and about his vote in 1837, he said he knew what I was at, and he would explain it; as well as my recollection serves me he then spoke about other premises, and I endeavoured to stop him as well as I could.

9074. You said something about "separate premises;" you recollect what he said very well up to this time; recollect what he said about the separate premises?—I cannot recollect he said anything more than what I have told you.

9075. Will you take on yourself to say he did not mention the timber-yard?—I do not recollect him to have mentioned it.

9076. Can you take on yourself; have you such a recollection of the circumstance as to say he did not?—I will not say whether he did or did not, because I have no recollection upon it.

9077. You can't say he did not?—No I cannot.

9078. But you say he was anxious to explain, as he said something about separate premises?—He said he would explain; he did not say he was anxious to explain.

9079. And he was proceeding to do so, was he not?—I think he was.

9080. And you stopped him, you told me?—Yes, as well as I could.

9081. Have you any doubt he was proceeding to explain when you stopped him?—I have no doubt he was endeavouring to explain.

9082. When you stopped him?—Yes.

9083. Was it then that he spoke about "separate premises"?—Yes, it was then he said something about separate premises.

9084. You live at Carlow, I believe?—Yes; my family residence is there.

9085. Do you know O'Brien?—I do, for some years.

9086. Where does he live?—I believe he lives in Tullow-street.

9087. You believe?—I believe.

9088. Have you any doubt of it?—My belief is that he lives there, but I cannot say positively he does live there; I am almost certain he does.

9089. Are you quite certain?—I might venture to say that he does live there.

9090. Now perhaps you can say where he lives in Tullow-street?—I suppose he lives in the place fronting Tullow-street; in the shop part of it; I do not know where he lives, in what part of the premises he lives, of course.

9091. Does he live in the premises?—He stated he did live with his two children; with John and Anna O'Brien.

9092. (By Mr. Austin.) Where did he state that?—On the trial.

9093. He stated he lived with his two children on these premises?—Yes.

9094. I suppose you pass Tullow-street occasionally, do you not?—I do, very frequently.

9095. You probably occasionally see the names that are up over the doors and places?—Yes I do, but I do not take very particular notice of them.

9096. Not very particular?—I may say none.

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9097. You know these premises?—Yes.

9098. There is a gateway that opens into the timber-yard?—Yes, there is.

9099. There is a name over it, we understand, also?—I cannot tell you whether there is or is not; I paid no attention to it.

9100. In passing by these premises, you cannot tell us what name is up there?—On my oath I cannot.

9102. Nor on the shop?—No; I believe there is some name, but what the name is I do not know.

9103. Have you ever observed any alteration in the name over the gateway?—I cannot say that I did; not knowing what was there previously, I could not know of the alteration.

9104. You never remarked any alteration having taken place?—I did not remark it all, except I have a general recollection of some names over the doors; what they were I do not know.

9105. Your profession would hardly lead you to deal much in timber?—No, I do not think I ever bought 10 *l.* worth of timber in my life.

9106. Have you ever bought 10 *l.* worth in that yard?—No.

9107. None of it?—None, as I recollect; I desired them to go elsewhere; I desired them to buy timber five years ago.

9108. Are you aware the business of a timber-merchant is carried on there?—I am aware it was carried on there.

9109. Are you aware whether or not it is now?—I do not know whether it is or is not.

9110. Do you remember, when the voter was examined on this trial, whether Mr. Carroll was there?—I have no recollection.

9111. Do you recollect whether Mr. Butler was present there?—I should think Mr. Butler was, because it was during the quarter sessions, and he practises at the quarter sessions.

9112. Does not Mr. Carroll attend the quarter sessions in his capacity as editor?—He does very frequently.

9113. Uniformly, was he not; have you ever seen a quarter sessions when he did not attend?—I do not ever recollect a quarter sessions without his attending, without he was absent in England or something.

9114. Mr. Campion, was he there?—I do not recollect.

9115. Can't you tell me whether any of those three names I have mentioned were present?—I cannot; very often there are trials going on, and the gentlemen engaged in the trials alone remain; they might be at some other place.

9116. Who were the gentlemen engaged in the trial: you were concerned for the prisoners; who was concerned for the prosecutor?—As well as I recollect, it was Mr. Barret; I don't speak positively; that is the best of my recollection.

[The Witness withdrew.]

Arthur French.

Arthur French, called; sworn; Examined by Mr. Austin.

9117. WERE you at the sessions at which this trial took place?—I was.

9118. Did you hear O'Brien examined?—I did.

9119. Did you hear him examined on this question as to the property?—I did.

9120. What did he state?—Why I had previously learned—

9121. What did he state?—He stated,—he was cross-examined by Mr. Burgess, at my suggestion, with regard to his house and premises in Tullow-street, and he stated that these premises were purchased by Mr. Waring for his children; and he was pressed,—they thought to get the prisoner acquitted on the indictment, and he was pressed upon it; and he said he only resided with his children, that they were the owners of the property, and that he only resided with them.

Cross-examined by Mr. Wrangham.

9122. You have been in the room while the last witness was examined?—I have been in the room since the commencement.

9123. You heard what he stated?—Yes.

9123.* Is his statement of what passed a correct one?—I think I am more clear upon it than he is, for this reason: my suggestions were premeditated, and they were only suggested to him in court, and he was occupied with the examination of the witness, while I was occupied in listening to the answers.

9124. Is his representation of what passed a correct one?—I should think it is rather a correct one, as far as his memory goes.

9125. State to the Committee what you mean by "rather a correct one"?—Why, I think he does not recollect as distinctly as I do the line of cross-examination he pursued with regard to the premises; because I was very particular in my suggestion of the questions to be put to the witness, and I took very particular notice of the answers.

9126. I ask you again, do you think his representation of what passed is a correct one?—I think, as far as his own impression goes, it is.

9127. Is it a correct one in comparison to the facts that took place?—With regard to the description of the premises, it is not so correct as I give it.

9128. Not quite so full?—Not so specific.

9129. Were you agent at this time, Mr. French?—Yes, I attended the registration there.

9130. As agent for Mr. Gisborne?—Not for Mr. Gisborne at that time, because we did not know he would be the candidate; I attended the registration on the part of Mr. Yates and Mr. Vigors, and I also attended for Mr. Maule.

9131. You were there as the representative of the future candidate unknown?—No, I was there representing the two county candidates, and the then borough one.

9132. And you suggested these questions?—I did.

9133. For the purpose of using the answers against him afterwards?—For the purpose of aiding my client in defeating his vote afterwards.

9134. For the purpose of using those answers against him afterwards?—Yes.

9135. On a matter wholly different from that under consideration?—Decidedly.

9136. Did Mr. Burgess's question apply to the shop out of which the goods were stolen?—Mr. Burgess's question, as far as I suggested to him, applied—

9137. I am not asking your suggestions?—He put the question as to the entire premises.

9138. He used the words "the entire premises"?—I do not exactly say he used those words; but he cross-examined him as to the entire of his holding in Tullow-street.

9139. I ask you on your oath, whether he used the words "entire premises," or the "entire of his holding in Tullow-street," throughout the whole course of the cross-examination?—I cannot swear what the exact words were that were used.

9140. The words make all the difference in this case; can you or not take on yourself to swear that the words "entire premises," or "the entire of his holding," which you have made use of just now, were ever used throughout the whole course of that examination?—I cannot exactly swear that; but I can swear this, he was minutely cross-examined as to his entire holding in Tullow-street, and as to the property purchased by Waring.

9141. He was minutely examined as to the entire holding in Tullow-street, and the property purchased by Waring?—Exactly.

9142. And that he said that the whole premises, that they were purchased for his children?—He said the premises that were purchased by Waring were purchased for his children.

9143. Did he say all the premises that were purchased by Waring?—He did; that is my recollection of it.

9144. Can you take on yourself to swear that?—I can swear it as positive as any one can swear to a thing that occurred some time ago.

9145. Can you take on yourself to swear that he said all the premises that Waring had bought were purchased for his children?—Unless one takes a note of the thing in writing, it is very hard to be very positive. I am quite positive and strong in my belief that it was the premises purchased by Waring.

9146. Can you take on yourself to swear, Mr. French, for I really must have an answer to it, whether he said it was the premises that Waring had purchased, were purchased for his children?—Oh! I think decidedly so.

9147. Can you take on yourself to swear it?—I will not swear it stronger than I have just told you, at this distance of time.

9148. Did he say anything about separate premises?—I do not recollect that.

9149. Now you were attending minutely, and had an interest in it?—Yes.

9150. Do

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9150. Do you mean to say you cannot tell the Committee he said anything about "separate premises?"—I have not the least recollection of it.

9151. If he said that, it is a matter which has slipped your memory?—Decidedly, if he did say it; I do not believe he did, for he seemed to be very much confused with the cross-examination. I was very sorry to see a respectable man like him in such a situation.

9152. We will give you full credit for all the agony you felt for this voter; I have no doubt you felt it very deeply?—Upon my word I did.

9153. However, you tell the Committee, so far as your memory serves, he said nothing about "separate premises"?—I have no recollection of his giving any explanation about separate premises.

9154. So far as your recollection serves, he did not offer to make any explanation?—My recollection is, he wished to avoid as much as possible giving any explanation.

9155. Then your recollection is not that Mr. Burgess stopped him from giving an explanation?—I do not recollect him stopping him, but I thought the witness was very little inclined to give the explanation if he could avoid it.

9156. Burgess then could not stop him from that which he could not wish to do?—I do not recollect that.

9157. Do you know the gentlemen whose names I have mentioned, Mr. Carroll, Mr. Butler, and Mr. Campion?—I do, very well.

9158. Were they, or any of them, present at the time when this passed?—I cannot say; I should think they were; I should not be surprised if they were.

9159. Cannot you tell us?—Indeed I cannot; if I could, I would in an instant; they might have been there, and I am almost certain some of them were there; I cannot say all.

9160. Do you remember anybody who was present there?—Oh! yes, I do. I remember the barrister; clerk of the peace.

9161. Except the officers of the court?—And I remember Mr. Barret, and I think Mr. Butler was there, and perhaps Mr. Campion was there; they are attorneys practising in the court, and I cannot swear they were there.

9162. You do not remember who the attorney was who was concerned for the prosecution?—I think it was Mr. Barret; I am almost certain it was.

9163. Now, Sir, I must ask you, whether you can take on yourself to swear that the words I am about to read to you were not spoken by the voter, or words to that effect: "I see what you are at; you are striving to attack my vote; but I can tell you you are mistaken, as I never registered out of that house; but out of my other concerns, namely, the old house, offices, and timber-yard in Tullow-street?"—The previous part of that portion of it, as I said before, he seemed to avoid; wished to avoid getting into a detailed account of the transactions at all; I do not recollect he said he registered out of the other house.

9164. Can you say he did not?—The contrary is the impression on my mind. The last time I counted him as not being a good vote.

9165. You are retained for the other side?—I was making out a case for the other side.

9166. Can you take on yourself to say positively he did not speak of having registered out of these other premises?—I cannot state it positively; but my belief is the other way, from the circumstances I tell you.

9167. Your belief is equally strong that he was not stopped in his attempt to explain, but, on the contrary, he tried to avoid it?—My impression is, and belief is, he wished to avoid the examination altogether.

9168. That is, as strong as your belief; he did not use those words, or words to that effect?—Just the same.

Re-examined by Mr. Austin.

9169. You have been asked as to whether or not the question embraced the entire premises?—Yes.

9170. Now, to the best of your recollection and belief, did the question apply to the entire premises?—To the best of my knowledge and belief, the question applied to the entire premises; because I was anxious to have the whole thing sifted if I could.

9171. Had this voter polled in the election of 1837?—I believe he had; I am not certain; I cannot say to every man who polls.

Examined by the *Committee*.

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9172. You stated that Daniel O'Brien, when he was examined, stated that the property was purchased by Waring for his children?—Yes.

9173. And that they possessed it?—Yes.

9174. Did he state who occupied the premises?—He stated that he lived with his son and daughter only; that they were the owners.

9175. Did he say who were the occupiers of the property?—Oh, no; I do not recollect his saying that. He said his son and daughter were the owners, and that he merely lived with them, I recollect; that is very strongly on my mind.

9176. What did you understand by the term owners; did you understand they were the owners of the lease, or the householders?—I clearly understood the purchase was made of the premises for them of the lease.

9177. Was anything said about who was the householder?—I did not hear a word; yes; yes—he was examined on that question, Were not his son and daughter occupiers and owners of the house, and how he came to be in the house? My recollection serves me; and he said he only resided with his son and daughter, and that they were the owners of the house.

9178. You are sure he was examined to the point, who were the occupiers of the house?—Oh! decidedly; we knew the point very well we wanted to examine him to; I knew what I wanted to do very well; it was no novelty to me.

9179. You state in your former answers he was not examined, who were the occupiers of the house; in the last few you state he was?—The whole object of our examination was to ascertain that fact.

9180. In one of the first questions you stated he was not examined as to who was occupier of the house; in the last two or three questions you state positively he was examined on that subject?—I have a perfect recollection that he said he resided with his son and daughter, and that he was merely managing for them; I have a perfect recollection of that.

9181. Have you any recollection he distinctly stated he had ceased to occupy the house?—He distinctly stated that the house and premises were occupied by his son and daughter; distinctly stated it, and that he was only doing business for them.

THE CASE IN SUPPORT OF THE VOTE.

Thomas Carroll, called in; sworn; Examined by Mr. *Wrangham*.

Thomas Carroll.

9182. I THINK you told us the other day you were editor of the Carlow Sentinel?—Yes.

9183. I collected from you, you were in the habit of attending the sessions in that capacity?—Yes.

9184. Do you remember being present at the last October sessions when a prisoner was tried on a charge of stealing some calico from the voter, O'Brien's shop?—Yes, I do.

9185. Or from the shop in Tullow-street; now do you remember Daniel O'Brien being examined as a witness on that occasion?—I do.

9186. And being cross-examined?—Cross-examined by Mr. Burgess.

9187. Were you sitting near Mr. Burgess at the time?—Sitting near, with Mr. Butler and several other professional gentlemen.

9188. You were sitting in his seat?—Near him, on the same seat with him.

9189. At the time when he was cross-examining this witness?—Yes.

9190. Now do you remember O'Brien, in the course of that cross-examination, being asked as to his having voted at the last election, the then preceding election?—I do; I remember—if you will allow me to state exactly what did take place, it would show the Committee—the indictment set forth that the calico was the property of one George, or John and Ann O'Brien, and Mr. Burgess wanted to show that the premises were Mr. Daniel O'Brien's, with the view of quashing the indictment, and Mr. O'Brien being asked whether it was his property, swore it was not; then Mr. Burgess asked him, did the shop belong to him, and he said, the shop and goods belonged to the children, belonged to George and Ann O'Brien. Then he asked him, did he give the whole

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whole premises to them? he turned round and said "I see what thee are at;" (he is a Quaker) "I see what you are at," says he, "he wants to get at my vote, but I say I never registered out of that; I registered out of the old house, and the concerns to the rear;" to the rear of the shop, to the rear of the establishment.

9191. Is that the timber-yard?—The timber-yard.

9192. (By Mr. *Austin*.) Did he say that?—No, he did not say that.

9193. Did he say that he had assigned those premises, out of which he had registered, to his son and daughter?—Which premises?

9194. The old house and the yard in the rear?—He did not; he distinctly stated on his oath, that the shop and all the property in the shop belonged to the children; but he distinctly stated on his oath, that the premises were his, the old premises out of which he registered.

9195. You say he stated on his oath; you said he was a Quaker?—He is a member of the Society of Friends; I meant on his affirmation; he is a member of the Society of Friends, and it was on his affirmation he was sworn.

9196. You took a note of this at the time, as I understand?—I did; Mr. Butler, one of the attorneys in the court, stated, turned round to Mr. Burgess on that occasion, and said—

9197. Was that in the presence of the voter?—It was.

9198. Was it in the hearing of the voter?—In his presence.

9199. Can you speak with certainty as to your accurate recollection of these matters?—As certain as that I see you there; the court is in the form of a segment of a circle, and the professional men sit all round; I sat on one side Mr. Burgess, on the right: the witness was a little distance on the table.

9200. You taking a note of what passed?—Unquestionably; there is scarcely one in the town of Carlow not knowing that.

9201. And also feeling a little interest as to this vote?—Certainly.

9202. If there are any other circumstances that passed at that time that tend to fix this matter more in your memory, have the kindness to state them to the Committee?—It would be impossible that I could have it fixed in my memory more firmly, because I took a note of the report, and I had a conversation with the attorney immediately afterwards, Mr. Butler, and the observation—

9203. Was the observation of Mr. Butler of such a nature as to fix this on your recollection?—Indeed it was, and on several others besides mine.

9204. Was Mr. Butler the attorney in this case?—No, he was only sitting by; Mr. Burgess was engaged for the prisoner.

9205. You were present during the whole of this cross-examination?—I was.

9206. Did the witness Daniel O'Brien say upon his affirmation that the premises, the entire of the premises, were in the occupation of his son and daughter, and that he only lived with them?—He did not.

9207. Or any words to that effect?—He distinctly stated the very contrary.

9208. That is to say, did he state that they lived with him?—No; he stated that the shop belonged to the children, and that the old house and premises distinctly belonged to him, out of which he stated that he registered. That was in reply to Mr. Burgess.

9209. Now you were present, as you say, during this time; is it, in your judgment, possible that he could have stated that he was not the householder, but that his son and daughter were the occupiers, and he only resided with them, without your hearing?—Quite impossible.

Cross-examined by Mr. *Austin*.

9210. Are you the editor of the *Sentinel*?—I am.

9211. That is a violent Tory paper, is it not?—I don't think so.

9212. Outrageous?—I do not think so; considering the provocation we receive, I think it is very temperate.

9213. Have you been down here all day?—In town?

9214. Down here all day?—Yes I have.

9215. Did you see Mr. Bate to-day?—I did indeed.

9216. Just now?—He called me out of the room.

9217. Did you know you were going to be called on this matter?—I did this morning, and perhaps three or four days past.

9218. Did

9218. Did O'Brien, on his examination at the sessions, state anything as to his living with his children ; son and daughter ?—Not one word.

9219. Not a single word ; that you have not a doubt about ?—I have not the remotest doubt in the world.

9220. You are very accurate and very temperate in your expressions ?—I took down the cross-examination very fully, and I assure you I have not the slightest doubt in my mind.

9221. The shop and property, as I understood your answer, is,—the shop and property in it belong to the children ?—He said so.

9222. He did say that, did he ?—Yes.

9223. They did belong to the children ?—He said that the calico and the goods in the shop belonged to the children, John, and George, and Anna O'Brien.

9224. What were the names ?—Either John and George, or George and Anna O'Brien.

9225. You have no doubt he stated the shop and calico belonged to them ?—I have no doubt whatever of it.

9226. Was he asked anything as to the purchase of this property ?—He was ; Mr. Burgess asked him some questions relative to it.

9227. Did he say for whom the property was bought ?—I heard him say that this George and Anna O'Brien had purchased the goods with their own money.

9228. Did he say for whom the property was bought, the premises ?—Not to my recollection.

9229. He did not ?—Not to my recollection.

9230. Was he asked on that subject ?—I think he asked him where the goods were bought.

9231. I am not asking as to the goods, but as to the premises ; were any questions put to him on that subject ?—Not to my recollection ; I do not remember ; I remember Mr. Burgess cross-examined him at considerable length.

9232. You do not recollect, I understood you to say, as to whether any question was put as to purchasing of the premises ?—No, not exactly.

9233. Will you swear some questions were not put on that subject ?—I will not.

9234. Did he, or did he not, state for whom they were purchased ?—He stated they were purchased by—purchased for Anne—either John or George O'Brien, and he distinctly stated they were purchased by their own money.

9235. Are you speaking of the goods ?—Yes.

9236. I am speaking of the premises ; did he state for whom the premises were purchased ?—I do not think he did ; I could not positively swear it. The fact is, Mr. Burgess examined him with a view of showing the jury that the goods were Mr. O'Brien's own property, with a view of quashing the indictment, that was the original intention of Mr. Burgess who cross-examined him. He did not occupy a long time.

9237. How long did it occupy ?—A very short time.

9238. A quarter of an hour ?—Perhaps so ; perhaps about that time.

9239. I think you say he said he registered out of the old house, and the concerns at the rear ?—He said so.

9240. Did he say anything about the purchase of that old house, and the concerns at the rear ?—Not a word. I think Daniel O'Brien's reply was the last he made in reply to Mr. Burgess ; I think Mr. Burgess desisted in cross-examination at that.

9241. He did not state anything as to the purchase of that ?—No ; nor do I believe he was asked a question about it.

9242. Only as to the registration ?—Yes.

9243. Did he say anything about registering out of the old house, offices, and timber-yard ; did he say that ?—He stated exactly what I mention here.

9244. Did he state that ; anything about being registered out of the old house, offices, and timber-yard ?—He said he never registered out of the shop, and the concerns then in the possession of John and George O'Brien ; but he registered out of the house, and the premises in the rear.

9245. According to your recollection, he stated nothing about the offices and timber-yard ?—The house and offices in the rear. As to the timber-yard, I do not think he mentioned the term. I am speaking of the old house and the concerns.

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9246. Did he say anything about his being a bankrupt?—I do not think he did.

9246*. Now, consult your memory, and tell me whether he did not say he was a bankrupt?—I would tell you very candidly, if I could remember it.

9247. Will you swear he did not?—I will not swear it; to the best of my belief, he did not.

Re-examined by Mr. *Wrangham*.

9248. You say his reply about what he had registered out of came last?—I think it was in reply to the last question, to the best of my belief, Mr. Burgess put him.

9249. Did Mr. Burgess appear to be anxious to conclude the examination when it came to that?—My own opinion is that he thought he had met—that he was disappointed probably in the answer he received. My own opinion is, that Mr. Burgess's view was to ascertain what tenure he held.

9250. Mr. Burgess wound up his cross-examination on that answer coming?—I think he did.

9251. You say you do not remember him saying anything about being a bankrupt?—I do not.

9252. Do you think Mr. Burgess asked him whether he was not a bankrupt?—He may have done so.

9253. As far as your recollection, do you remember him asking anything about his being a bankrupt?—I do not remember it.

Examined by the *Committee*.

9254. You state you took a note of what passed at this examination?—I did.

9255. Have you preserved that note?—I have my notes at home, but I did not bring them with me; they are among other notes; very numerous for six or seven years; was I aware of the matter, I could have brought them here; but I have a distinct recollection of every transaction that occurred, particularly attending the registry, for seven years myself.

9256. Did you show the note to any other person?—No, I do not think I ever did; but sitting in the court, the professional gentlemen of the court saw me taking the notes, and they were all cognizant of the facts I state now.

9257. Are you often in the habit of taking notes of what passes?—I do not think I was absent in court but once for seven years during the quarter sessions.

9258. Did you make any use of the note, so far as regards your paper?—It is very probable; I am not quite certain that I published the whole cross-examination; I am quite sure I gave the trial that took place; I am not quite sure whether I published the entire; I know I reserved that, with my notes, on the register; I keep two classes of books; the one relative to matters connected with the registry, and the other relative to public business, criminal business, and other matters.

9259. You have not brought with you to London any of the notes you preserved relative to the register?—I have not; I have brought a great number of other books and notes before me, which I thought would be brought before another Committee in another place; and I had no notion I should be examined at such length on other matters.

9260. When you left Carlow, were you aware you would have been examined on this transaction?—I was not.

[The Witness withdrew.

[The Committee adjourned to 11 o'clock To-morrow.

Sabbati, 25^o die Maii, 1839.

GEORGE GROTE, ESQ., IN THE CHAIR.

The Names of the Members were called over—all present.

CASE OF THE VOTE OF DANIEL O'BRIEN RESUMED.

Mr. *Wrangham* stated there was a question he had omitted to put to the Witness, *Carrol*, on re-examination.

Thomas Carrol recalled and sworn ; Examined by Mr. *Wrangham*.

9261. MY friend asked you yesterday, " Did you see Mr. Bate to-day ?" you answered, " I did, indeed ;" my friend asked you, " Just now ?" your answer was, " He called me out of the room ?"—Yes.

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9262. Will you tell the Committee whether Mr. Bate stated to you any part of the evidence which had been given in this case ?—On my oath, I never heard a part of the evidence, nor never spoke one word to Mr. Bate yesterday until he called me into the room.

9263. And when Mr. Bate called you into the room, did he state to you any one part of the evidence that had been given ?—Not one word ; I was not aware of any witness being called in except Mr. Burgess, and I know nothing whatever of it.

[The Witness withdrew.

Mr. *Job Leonard Campion* called in and sworn ; Examined by Mr. *Wrangham*.

9264. ARE you an attorney residing at Carlow ?—I am.

Mr.
J. L. Campion.

9265. Are you in the habit of attending the quarter sessions held in that place ?—Yes.

9266. Did you attend the quarter sessions held there in October last ?—I did.

9267. Were you present in court at the time when a person of the name of Dillon was prosecuted for stealing some calico or something of that kind out of O'Brien's shop in Tullow-street ?—I was.

9268. Do you remember Daniel O'Brien, the father, being called as a witness in that case ?—Yes, he was ; he was examined as a witness.

9269. I believe he was cross-examined too ?—Yes, by Mr. Burgess.

9270. Now, sir, where were you sitting at the time that Mr. Burgess was cross-examining him ?—Next to Mr. Burgess, as I sit by this gentleman here. (*The short-hand writer.*)

9271. Mr. Burgess, we understand, was defending the prisoner ?—He was.

9272. I need hardly ask you if, after what you have told us, whether you were in a situation to hear every thing that passed between Mr. Burgess and the witness ?—O, certainly, every word.

9273. Was your attention given to it at the time the examination was going on ?—It was, sir.

9274. Was Mr. Burgess aware of your being present at the time ?—O, he was.

9275. You have reason to know that ?—I have.

9276. What reason have you for knowing that, sir ?—He thought to make a point to quash the indictment ; the indictment was laid in the name of the children of Mr. O'Brien ; he thought to make it appear it was the property of Daniel O'Brien, and the indictment should be laid in the name of Daniel ; and he requested me to refer to some authorities.

9277. Upon that subject ?—Upon that subject.

9278. You have stated that Daniel O'Brien was cross-examined ; will you tell us whether any question was put to him by Mr. Burgess as to his having voted at the preceding election ?—Yes, sir ; Mr. Burgess asked him did not he vote, register and vote too out of those concerns where the calico was stolen from, he said, Mr. O'Brien said, " I know what thee are at, thee want to break my vote, but you are mistaken ; but it was out of the other concerns ; the house and concerns I registered for and voted."

Mr.
J. L. *Campion*.
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9279. Did he say who was in the occupation of the house and concerns out of which he had registered?—He said he never gave up possession of it out of the house he registered out of.

9280. Did he say any thing as to his son and daughter?—He said the shop concerns belonged to his son and daughter; "The shop concerns," says he, "belong to my son and daughter, in whose name the indictment was brought."

9281. Now, do you remember whether the witness, O'Brien, was going on to give any further explanation?—Yes, sir, I do; I recollect that Mr. O'Brien wanted to explain about the other house and concerns, and he was prevented from explaining by Mr. Burgess; and I recollect Mr. Butler, an attorney, stating that he had a right to be allowed to explain; he thought he had a right to explain, but the barrister said there was no necessity for it, that it had nothing to say to the prosecution.

9282. That it had nothing to say to this prosecution for the larceny?—That it was an irrelevant transaction altogether.

9283. Perhaps I need hardly ask you, after what you have told us, whether the voter O'Brien stated at this time in his examination, that his son and daughter were in the occupation of the whole of the premises, and that he was merely living with them?—Certainly not.

9284. Nor any thing to that effect?—Not one word.

9285. Do you believe he could possibly have stated that, or any thing like it, without your having heard it?—If he had I certainly would have heard it; I recollect that Mr. Butler made an observation that he said across to Burgess when he found; says he, "That is a miss fire."

9286. To Burgess?—Yes.

9287. After the examination was concluded?—No; after he said he ought to have liberty to explain, he said to Burgess, "That is a miss fire;" there was a laugh at Mr. Burgess in the court at that time.

9288. Was that when he had answered as to his being registered out of the other house?—It was then.

9289. You having this cross-examination in your mind, I would ask you whether Mr. Burgess's cross-examination as to the property referred merely to the shop and to the stock in the shop, or whether it referred to the whole of the premises, including the other house and timber-yard?—O, confined entirely to the shop.

9290. Did the voter ever state, at this time, when examined as a witness, that he was doing business for his son and daughter?—No, sir, he did not; but I heard him say on his examination that he used occasionally to go into the shop to give assistance or instruction to the children, who were very young, who were young and inexperienced.

9291. Do you know this place in Tullow-street yourself?—I do; I have not a perfect knowledge of it, merely passing it by; I have been in the concerns.

9292. Do you know whether, in point of fact, the voter, Daniel O'Brien, is living there in the occupation of it?—Oh, I cannot say.

[The Witness withdrew.]

Mr. *Thomas Crawford Butler* called in and sworn; Examined by
Mr. *Wrangham*.

Mr. *T. C. Butler*.

9293. I BELIEVE you have already stated, on a former occasion, that you are an attorney, residing at Carlow?—I am.

9294. Are you in the habit of attending the quarter sessions there?—Constantly.

9295. Did you attend the quarter sessions held there last October?—I did.

9296. Do you remember a prisoner being tried for stealing goods out of a shop in Tullow-street, when the goods were laid as the property of John and Anna O'Brien?—I do.

9297. Was Mr. Burgess the attorney for the prisoner?—Yes, he was.

9298. Do you remember the father, Daniel O'Brien, being examined as a witness?—I do.

9299. Do you recollect his being cross-examined by Mr. Burgess?—I do.

9300. Where were you sitting in the court?—At the table allotted for the professional men.

9301. How near were you sitting to Mr. Burgess?—Next to him.

9302. Was

9302. Was Mr. Campion on the other side of him?—Yes; I sat generally in the middle; one was on one side, and the other was on the other.

9303. Do you remember his cross-examining Daniel O'Brien?—Perfectly well.

9304. Do you remember Mr. French being there?—I do not recollect seeing him at that time; he attended the register, but it was then long over; I do not recollect seeing Mr. French there at that particular time.

9305. I believe some questions were put to him as to whose property the goods were that were the subject of the indictment?—Yes; it appeared to me that was the first defence made for the prisoner, that the indictment was brought in the wrong name.

9306. The goods were wrongly laid?—Yes.

9307. What was his answer when questioned on that point?—He stated the property was the property of his children.

9308. The property stolen?—What was produced in the court as being the property stolen.

9309. Was he then asked as to the premises, or any part of them, whose property they were?—He was asked as to the shop which that property had been taken out of, and he distinctly stated, that was also the property of his children.

9310. Was he then asked whether he had not registered out of this property?—He was.

9311. What was his answer to that question?—Distinctly that it was not; and when I say distinctly, in rather a curious manner his answer was given.

9312. Give the words as near as you can recollect?—The question put to him immediately after his stating that the property was the property of his children, and as also the place they were taken out of; then says Mr. Burgess, "This is the place you have registered out of;" immediately O'Brien answered and said, "O, I see what thee is at; thee is quite mistaken; this is not the place out of which I registered; it was the adjoining concerns, and which I never left possession of nor parted with."

9313. Now, do you remember making any observation to Mr. Burgess on that answer?—I immediately turned round to Mr. Burgess and stated—

Mr. Austin.—We cannot have that.

Mr. Wrangham.—We must have it.

—I turned round and said to Mr. Burgess, "That is a miss fire."

9314. Did that observation of yours produce any noise?—A general laughter throughout, all round the table.

9315. Did Daniel O'Brien say, in any part of that examination, that the premises were in the occupation; the whole of the premises were in the occupation of his son and his daughter, and he was only living there with them, and doing business for them, or any thing like that?—Certainly not.

9316. After the answer that you have told us as to the premises out of which he registered, was he proceeding, did he appear to you to be proceeding to explain?—Yes, he did; as I said before, there was general laughter created, and some bustle and confusion, and O'Brien appeared as if about to say something in explanation, and Mr. Burgess prevented him; I then stood up, and said it was but fair that Mr. O'Brien should be allowed to explain if he had any thing to say, and the barrister said, "Gentlemen, I do not see how this is to bear on the case; I do not see why he should enter into it," and the matter closed.

9317. We have heard Mr. Burgess takes an interest on the side by which the petitioner, Mr. Gisborne, is supported?—He does, professionally.

9318. I believe you take an interest on the other side?—I am the agent for the Conservatives at the registry.

9319. Were you present sitting next to Mr. Burgess, the gentleman examining the witness, during the whole time of that cross-examination?—I was.

9320. Was your attention, as the agent for the Conservatives, drawn particularly to the nature of that examination?—Particularly so.

9321. Do you think any part of that examination could have escaped your hearing?—O, none whatever.

9322. Was Mr. Carrol there at this time?—He was.

9323. At any great distance from where you were sitting?—No; at the same table and quite near.

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9324. Was the cross-examination of O'Brien by Mr. Burgess confined exclusively to the property in the goods in the shop and the shop itself?—O, entirely; solely to that.

9325. Did it extend, so far as you heard, or could judge, to any other part of the premises?—Certainly not.

Examined by the *Committee*.

9326. You reside in Carlow?—Yes.

9327. You are a solicitor in Carlow?—I am.

9328. Do you know the premises?—I do.

9329. Will you describe the premises to us?—There is a shop; first, there is a large building, and there is then a parlour like, and a gateway leading into a large timber-yard concern, in which I have seen the trade of timber-selling and being carried on.

9330. One house or two houses?—O, two distinct buildings altogether.

9331. No connexion at all with one another?—There is a communication by doors from one to the other.

9332. Internally?—Internal communication.

9333. Why should you describe them as two distinct buildings, then?—The exterior of them presents such an appearance to any person looking at them.

9334. Are there two roofs?—Two roofs, exactly; it is the exterior shape of the building and the roofs which would strike any bystander they were two distinct buildings joined together.

9335. Two what?—Two distinct houses.

9336. Is the roof all in one line, or is one higher than the other, or is the roof all in one line?—I think one; I am not quite exactly sure as to the roofs; I think one is higher than the other; I am not quite sure.

9337. Do you know the back premises of this shop?—Nothing further than that, it being either two or three years since I was through them.

9338. What sort of back premises are there?—Very extensive, and a timber-yard.

9339. Are there any houses in the back?—A great number of houses.

9340. Between the house and the timber-yard?—Adjoining the house of the timber-yard.

9341. All belonging to the same?—All belonging to the timber-yard concerns.

9342. There is a house or two there?—I think there are three houses; Mr. O'Brien carried on very extensive general trade there, such as slate and those things, and he had different houses for that; he had stone, iron and slate, and different things; this was before his bankruptcy; he was what we call a general merchant there; that is three or four years since.

9343. Are you satisfied those houses, from their external appearance, look as if they had been built at different times?—I am quite satisfied they are two distinct concerns; that they had been two distinct concerns, two distinct houses.

9344. From the exterior appearance?—From the exterior appearance alone.

9345. Built at different times?—Yes.

9346. What is there in the exterior appearance that makes them appear to be two distinct houses?—Why, I think it is the roof, if I can very well recollect; I am not giving any positive recollection about it; it is a thing I never even thought of; it is merely passing through the street that my observation extends; I have not ever since his bankruptcy been there; it is only in the way of purchasing timber I was there.

9347. Does the appearance of the front of the house give you an idea that there ever had been two distinct houses, as to the general range of front?—It would strike me as such most positively.

9348. Is the level of the windows the same?—The shop concern is now altered so much, that the house is all as it were thrown into a general shop with a gallery up in it; I cannot recollect whether the windows of both houses are on the level.

9349. Have you been called on, as agent of the Conservative side, ever to protect this vote at the registration?—No; he was registered at the general registration of 1832.

9350. Your attention has never been called in consequence of that; you have never been over the house to look at it?—Never.

9351. Do you say he was registered in 1832?—I think he was registered at

the general registry of 1832 ; that was so very general I cannot exactly recollect the particular case.

Mr. T. C. Butler.

9352. He was objected to at the last election?—I believe he was ; I am sure he was.

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9353. Do you mean the election before the last ; Mr. Maule's?—I do not recollect that ; I do not recollect the previous election.

9354. You do not recollect whether he was objected to at Mr. Maule's election?—Certainly not ; I was not then agent ; I do not recollect it ; I do not know any thing of it.

[The Witness withdrew.

Mr. James Young, called in, and sworn ; Examined by Mr. Wrangham.

Mr.
James Young.

9355. DO you know the house and concerns in Tullow-street, where Daniel O'Brien resides?—I do.

9356. How long have you known them?—I suppose for the last 12 or 14 years.

9357. Do you know of what they consist?—Yes, I do.

9358. Will you be good enough to tell the Committee?—There are two houses, a timber-yard, flag-yard and garden ; it was a yard for holding flags.

9359. Was he a dealer in flags?—Yes.

9360. You have spoken of the timber-yard ; on which side is that ; looking at the house in front, would it be to your left, or to your right?—To your left.

9361. What is the entrance into that timber-yard?—A gateway.

9362. Is that an open archway?—No ; it is a gateway.

9363. Is there any door in the side of that gateway?—I am not aware that there is.

9364. Where is the counting-house, do you know?—It is inside of the gateway ; a door leading from the passage into the counting-house.

9365. Inside the gateway?—Yes.

9366. Does the counting-house open from the entry of the house, or is there a door from the outside into the counting-house?—You first go into the gate, and then after going into the gate there is a door to go into the counting-house.

9367. When you are under or in the gateway, is there a door on the right-hand side, leading into the counting-house?—Yes.

9368. Have you had occasion to deal for timber at this place?—Yes.

9369. Do you remember Daniel O'Brien being a bankrupt?—I do.

Mr. Austin inquired if Mr. Wrangham meant to call him a bankrupt.

Mr. Wrangham stated he was willing to concede it after what had occurred.

9370. Do you remember the time of his bankruptcy?—Yes.

9371. Now, previous to that time, who was the owner and master and manager of the timber concerns?—Daniel O'Brien.

9372. Was Daniel O'Brien then residing in and occupying the house connected with them?—He was.

9373. Have you had dealings for timber at this place since the bankruptcy?—I have.

9374. Since that bankruptcy, with whom have you had the dealings as master and owner of the timber business?—With Daniel O'Brien.

9375. Have you paid him money?—I have.

9376. For the timber you have purchased there?—I have.

9377. Have you received a bill for the timber you have purchased there?—I have.

9378. I am speaking of the time since the bankruptcy?—I have.

9379. In whose name?—

9380. By Mr. Austin.] Have you got the bill?—No.

9381. Have you ever had dealings with any other person as the owner of these concerns, except Daniel O'Brien?—No.

9382. Is there any name over the gateway?—There is.

9383. Whose name is that?—Daniel O'Brien.

9384. Was that name there before the bankruptcy?—It was.

9385. Has there been any alteration, so far as you have been able to observe,

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either in the state of the premises, or the mode in which the business is carried on connected with the timber trade?—None, that I could see.

9386. In the course of your dealing since the bankruptcy, have you seen Daniel O'Brien there on the premises?—I have.

9387. In what capacity did he appear to you to be throughout?—As the owner.

9388. Have you ever had, in the course of your dealings for timber there; have you ever had transactions with John Grieves or Anna O'Brien, as the owners?—No.

9389. Do you know Daniel O'Brien well?—I do.

9390. Have you visited him in his house there?—Yes, I have.

9391. Have you been there frequently?—Frequently.

9392. Now, I am speaking to you of the time since the bankruptcy; who appeared to you, in the course of your visits to that house, to be acting as the master and proprietor of that house?—O'Brien did; Daniel O'Brien did.

9393. Did there appear to be any alteration in the capacity in which he was acting since the bankruptcy, to what it had been before?—None.

9394. Do you remember particularly having been at the timber-yard in the course of the last year, Mr. Young, when there was some difference between you and the foreman about the price of some timber?—Yes, I do.

9395. What is the name of that man?—Toll.

9396. And there was some difference between you and Toll about the price?—there was.

9397. Now, how was that difference settled?—He said he could not make allowance until he could speak to Daniel O'Brien.

Mr. *Austin* objected to the conversation.

9398. By whom was the difference settled?—By Daniel O'Brien.

9399. Have you purchased timber of him to a considerable extent in the last few years?—Before his bankruptcy.

9400. Have you since purchased any timber of him?—No, indeed, not much; about 8*l.* or 9*l.* worth.

9401. You told us you are acquainted with Daniel O'Brien; will you be good enough to tell me whether, within your knowledge, he has ever ceased to reside in and occupy these premises?—To my knowledge, he never has.

Cross-examined by Mr. *Austin*.

9402. Are you a good deal about the town of Carlow?—I have been a good deal there.

9403. I thought you lived in the gaol?—So I do.

9404. You spend a great deal of your time in the town; just tell me whether there is a name over the shop as well as over the gateway?—There is.

9405. What is it?—O'Brien.

9406. Is it O'Brien or Daniel O'Brien over the gateway; which?—Daniel O'Brien.

9407. Do you swear that?—I think it is "Daniel O'Brien."

9408. Now, just recollect; do you mean to state it is Daniel O'Brien over the gateway?—It is.

9409. What is it over the shop, state that distinct?—O'Brien.

9410. Daniel, or only O'Brien?—Only "O'Brien."

9411. That you are certain about?—I think it is.

9412. When did you see it?—I saw it frequently.

9413. So that you cannot have any mistake about that?—In my judgment, that is it, I will not swear positively; I think it is O'Brien over the door.

9414. How much timber have you bought since that man was a bankrupt?—About 8*l.*

9415. Did you give the orders yourself?—I did.

9416. Did you pay for it yourself?—I did.

9417. Do you know one Giltenan?—I do.

9418. Was he ever in possession of those premises?—No, not to my knowledge.

9419. Did you ever see him there?—I did.

9420. How often?—I saw him there during the auction.

9421. At

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9421. At any other time?—No.
9422. Have you ever been into the house?—I have.
9423. Do you know what the house consists of?—Yes, I do.
9424. Do you?—Yes.
9425. Is there any communication between the two houses?—There is.
9426. Above and below?—Above and below.
9427. One house, is it not; occupied as one house?—It is.
9428. You have no doubt about that?—There is a passage from one concern to the other.
9429. Has it not always, since you have known it, been occupied as one house by O'Brien?—It has ever been occupied by O'Brien.
9430. As one house?—Yes.
9431. You have no doubt about that?—No.
9432. How is the roof; can you tell us about that; is it a single roof or a double roof?—A single roof, I think.
9433. You think it is one roof?—Yes.
9434. And the lean of the roof is the same over both houses?—Yes, I think so.

Re-examined by Mr. *Wrangham.*

9435. What do you mean by a single roof; explain to the Committee what you mean by a single roof; do you mean it is the same roof or same level?—The same level all along.

Examined by the *Committee.*

9436. What is the roof covered with; you say it is the same lean; what is the roof covered with?—Slate.
9437. You cannot distinguish any separation on the roof between the two houses, can you?—The house; five or six of the houses are along there the same lean.
9438. All one roof?—All one roof.
9439. Over the gateway of the timber-yard, is it Daniel O'Brien, full, or D. O'Brien?—I do not know whether it is Daniel or D. O'Brien; I think it is "D. O'Brien."
9440. Can you speak positively on the subject?—I cannot be positive.
9441. With respect to the shop; what is over the shop?—I think nothing but "O'Brien."
9442. No initials before O'Brien?—None.
9443. Are you sure of that?—Indeed, I am almost certain of it, that there is nothing but that over it.
9444. Are you certain that there are two names; the one over the gateway, the other over the shop?—Yes, certainly.
9445. You are certain it is either Daniel or D.?—It is either Daniel or D. O'Brien.
9446. And you are sure there is no "s" at the end of the name?—No.
9447. And no letters at the beginning of the name?—No.
9448. In neither case?—In neither case.
9449. Are there any initials at all over the timber-yard?—Yes; I think there is D.
9450. Are you certain?—Indeed, I am certain of it.
9451. Has the shop been painted, that you know of, lately?—Yes, indeed, I think it was undergoing repair.
9452. When?—About six weeks back there were some repairs going on, white-washed, or something of that sort.
9453. Over the gateway, has that been painted lately?—It has not.
9454. Has it been painted since O'Brien was in difficulty?—No, it has not.
9455. Has any alteration been made in the name over the shop since O'Brien was in difficulties?—Not that I am aware of, except newly painting the name again; I do not know.
9456. You have noticed it has been newly painted?—Yes.
9457. What is the appearance of the front of the house; is it uniform, or is it distinct?—Indeed, it is not uniform, the windows are irregular in it.
9458. The shop-windows, or up-stairs?—Up-stairs.
9459. Does it look like one house?—No, it does not; it does not appear as if it was originally one house.

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9460. Have you been up-stairs?—I have.

9461. Are the floors level?—I cannot say; it is a very complicated house altogether; sometimes you go down, sometimes you go up two or three steps, to get into a room.

9462. Have you had any conversation with the voter, Daniel O'Brien, as to who is the occupier of these premises?—I have.

9463. When?—Some time in April.

9464. Last April?—Yes.

9465. Can you state the nature of that conversation?—He told me he heard his vote was objected to, and said he, "I am sure they can never object to my vote," said he.

Mr. *Austin* rose to address the Committee.

The *Chairman* stated the room must be cleared if Mr. Austin persisted in making any objection to a question put by a Member of the Committee.

Mr. *Austin* stated he wished to be heard upon the point.

The room was cleared.

The Committee deliberated.

Counsel and Agents were called in, and informed by the Chairman as follows:—"The Committee have come to the decision that Mr. Austin cannot be allowed to object to the question proposed by a Member of the Committee."

The following question and answer was read by the short-hand writer to the Witness: "Q. Can you state the nature of the conversation?—A. He told me that he heard his vote was objected to, and said he, 'I am sure they can never object to my vote,' said he."

9466. What else did he say?—"Because it was out of the timber-yard," he says, "and the concerns attached to it, that I registered; it has never been out of my possession;" them are his words.

9467. Did he say to whom the shop belonged?—He said it belonged for a time to his children.

9468. Did he say whom it belonged to at the time of your conversation; at the time you were talking to him?—He said it then belonged to himself.

9469. What, the shop?—Yes; he said his reason was, that while he was an uncertificated bankrupt, that his friends would not allow him to be a partner in it; and not have any thing to do with the shop, where the soft goods were, and that he therefore had it in their name until he got his certificate.

9470. Did he mention how it happened, if his friends would not allow him to have any thing to do with the shop, how it happened they would allow him to have any thing to do with the timber-yard; how was that?—Yes, because he did not commence any trade until he got his certificate.

9471. He did not commence the timber business?—No.

9472. He need not commence the shop business either, need he?—That was opened immediately after the auction, and one was not until a couple of months after.

9473. Were you present at the auction?—I was.

9474. Can you tell us what was sold at the auction?—All the household furniture, timber and stock, and every thing in it was sold.

9475. That was sold in Carlow?—In Carlow.

9476. Were you at the auction in Dublin?—No, I was not.

9477. Do you know from the voter whether his children paid him a rent for the premises?—I do not.

9478. Do you know whether they paid it to the landlord?—No, I do not.

[The Witness withdrew.]

Mr. *George Horwick*, called in and sworn; Examined by Mr. *Wrangham*.

9479. WHERE do you reside?—At Carlow.

9480. What trade or occupation do you follow?—Coach-making.

Mr.
George Horwick.

Mr.
George Horwick.
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9481. In what street do you live in Carlow?—Tullow-street.
9482. Is it at any considerable distance from the place where Daniel O'Brien lives?—No, two or three doors off.
9483. Now, have you known the voter for some time, Daniel O'Brien?—Better than 13 months.
9484. Have you been, during that time, in the habit of dealing with him?—Repeatedly.
9485. For what articles have you dealt with him?—Generally in the timber way; any thing I want he has in my way I buy from him.
9486. Have you dealt with him for any thing else?—Yes.
9487. What?—In the soft goods.
9488. Within the last few months?—Within the last 12 months.
9489. In your dealing for timber at this place, whom have you always treated and dealt with as master and owner of the concern?—I know of no owner but Dan O'Brien.
9490. Was it to him that you gave those orders?—Yes.
9491. To whom did you pay your money for 'them'?—To Dan O'Brien himself.
9492. Do you remember whether there is a name over the gateway?—I do.
9493. Do you recollect with accuracy what that name is?—I can.
9494. Now, tell the Committee what the name is that is over the gateway leading into the timber-yard?—Over the gateway, high up over the house, in very large letters, there is D. O'Brien; D. separate, then an O, then O'Brien.
9495. D. as the initial, then the O'Brien?—There is D. O'Brien.
9496. Is there any thing else you recollect painted up there; D. O'Brien?—Not there.
9497. Where is it, then; I mean as to what trade is carried on there?—Timber-yard.
9498. Is that painted there too?—Yes.
9499. By Mr. *Austin*.] “D. O'Brien, Timber-yard”?—“D. O'Brien, Timber-yard.”
9500. What is over the shop?—O'Brien; there is no D. to the O'Brien over the shop.”
9501. By the *Committee*.] There is an O?—But there is an O.
9502. Do you remember ever having occasion, Mr. Horwick, to look over those premises for the purpose of taking them?—Some time before last Christmas Mr. O'Brien proposed setting me, letting me the timber-yard concern.
9503. Was it long before Christmas?—Indeed, I cannot say how long; probably it might be a month.
9504. Did you listen to that proposal?—No; I declined taking the concern from him.
9505. But did you go over the place to see what it was?—I had a perfect knowledge of the place, because it so happens that almost every day I have occasion to go into the concerns for one thing or another in my business way.
9506. Whether at this time this suggestion, this proposal was made by O'Brien, the concerns were pointed out to you which he proposed to set?—Yes, certainly; he just mentioned, said he, “By stopping them two or three doors makes it a separate concern from the soft goods.”
9507. Where were those two or three doors which he spoke of?—They were leading out into the yard they call a flag-yard, where there is a pump.
9508. Now, you state the concern was pointed out to you, the extent of the concern which he proposed to set to you; have you seen this plan before which I hold in my hand [*handing a plan to the Witness*]?—I cannot say that I have.
- 9509-10. Look at it and see; here is the front to Tullow-street; see whether it gives a fair description of the precise house, and whether this dotted line is the part, the limit, of that which he proposed to set to you —[*the Witness examined the plan*]?—mark out on that plan the extent of the premises he proposed to set to you—[*the Witness marked it on the plan*]?—is that the portion?—

Mr. *Austin* objected, unless the plan was proved.

—As you look at these premises on the front from the street, there is a shop at one side?—Yes.

9511. Now, on which side is that; is it to your right or left as you look at the house?—Standing in the street?

Mr.
George Horwick.

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9512. Yes.—On your right.
9513. The gateway to the timber-yard is to the left?—Yes.
9514. How far did the premises extend in the front towards the street, which he proposed to set to you?—The breadth of the parlour.
9515. Does that include the hall-door; we understand there is a hall-door in the house as well as the shop-door at the front of the house; does that include the hall-door?—No; the hall-door for that part is out of the gateway.
9516. The hall-door for that part is out of the gateway?—Yes.
9517. Do you mean by that, the hall-door for the part connected with the timber concerns?—Yes; would be out of the gateway.
9518. For the left-hand portion of the house?—Yes.
9519. Then there is a hall-door in front; where does that lead to, do you know?—In going from that hall-door you go through another passage into the flag-yard, where the present kitchen is.
9520. Where is that kitchen situated; is that behind the shop, or the other part of the house?—It is behind the shop or ware-room.
9521. I ask you whether the premises which he proposed to you included that hall in the front, or whether it stopped short of that hall-door?—The concern, as pointed out to me, was to have nothing to do with that hall-door.
9522. Now, was there a partition between that portion of the house to which the hall-door led and that part which was to be set to you?—There is a wall along by stopping up the door, as I mentioned to you.
9523. The separation was to be accomplished; would the stopping up of that door and the other door that you mentioned into the flag-yard have separated the property?—It would.
9524. Any door up-stairs to be separated?—I was not up-stairs.
9525. What is the value, in your judgment, of those premises which the voter proposed to let to you?—I consider them worth, if I was going to take it, and disposed to take it, I would give 30 *l.* a year for it.
9526. Have you been often in the house, as well as in the yard, where the business is carried on?—Yes, very often.
9527. Do you know who lived there; who constitutes the family?—Mr. O'Brien has a pretty large family; he has four or five children there with him, and a shop-girl.
9528. Have you ever seen them at their meals?—I have.
9529. At what meals; at dinner have you seen them?—At dinner and breakfast.
9530. Who was at the head of the table, for instance?—Mr. O'Brien himself.
9531. Who appeared to be presiding and acting as master on that occasion?—Mr. O'Brien, of course.
9532. Have you ever seen, in the course of your visits either to the house or to the business concerns, any body else but Mr. O'Brien acting as master, having the authority and control over this?—Not one.
9533. You have told us you have purchased timber of him and paid him for it; have you ever seen him purchase timber?—I did.
9534. When was that?—Either the latter end of January or the first of February last; I saw him buy some very large timber of elm.
9535. You saw him buying that; did you see who paid for that?—I did; I was present when it was paid for.
9536. Who paid for it?—Mr. Daniel O'Brien himself.

Cross-examined by Mr. Austin.

9537. I understood you to say he did not commence the timber trade; tell me how long ago did you buy timber; 13 months?—Yes.
9538. You are quite sure of that; you are sure it is more than six or seven months ago?—I am buying from the 3d of April twelvemonth.
9539. And you bought soft goods of him, have you?—I have.
9540. Of Daniel O'Brien?—Of Daniel O'Brien.
9541. When did you begin to buy soft goods of him?—I should suppose, probably, in two or three months after March twelvemonth; I commenced business there the 1st of April twelvemonth.
9542. Is that April 1838?—April 1838; and then in about three months after that I wanted things in the shop.

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9543. Was that about July 1838?—Yes, about that time.
9544. I understand you to say in July 1838 you also dealt with him for soft goods?—Yes.
9545. Have you paid him for them?—Yes.
9546. Himself?—Yes.
9547. The money for the soft goods?—Yes, the money for the soft goods.
9548. You say there is a door out of the street into this house; is there a hall-door?—Yes.
9549. Did you ever go into that door?—Repeatedly.
9550. Does not that lead into the house?—It does; which house do you mean?
9551. The house on the left-hand side.—You can go from that.
9552. Does not that door lead into the left-hand side house?—Not until you go in further; you may go in beyond the hall.
9553. Do you go into the hall?—At present, where that hall-door is; it was a pretty large hall, and he has converted that into what they call “a Cheapside shop;” so that this shop and the other two shops is connected; this is a small shop, where he sells calicoes by weight, and he calls that “Cheapside.”
9554. There is the shop beside the Cheapside?—There are two doors out of this into the other shop again.
9555. There are two doors out of Cheapside into the shop?—Yes.
9556. Their owners go to the right-hand side?—All on the right-hand side; when they go in at one door the wall of the timber-yard concern is on your left; all to your right is the shop.
9557. You go from Cheapside; if you go through an opening on the right-hand side you go into the shop?—Yes.
9558. If you go to the left-hand side, you go into the house?—You must go out into another passage.
9559. Do you go on your left-hand side?—Right hand.
9560. Do you go to your right or left?—You must walk on straight.
9561. It is not to your left?—Yes.
9562. Then you go into a passage into the house?—Into a passage that will lead you into the house.
9563. Will lead you into the house?—Yes.
9564. Where is the end of that passage?—On your left-hand side, when you are in that passage; one door goes into the parlour, another into the office; past there is a door out into the flag-yard; on your right again there is another passage into that ware-room.
9565. If you turn to your right you go into the ware-room behind the shop?—Yes.
9566. If you turn to your left, then you go into——?—Go into the parlour.
9567. You have not lived in Carlow long, I believe?—Since the time I told you.
9568. Only since that time?—No.
9569. You have lived there since April?—April twelvemonth.

Re-examined by Mr. Wrangham.

9570. This passage you spoke of lies at the back of the house, the passage you go into which you go through after you get into Cheapside?—Yes.
9571. It runs at the back?—Yes.
9572. As far as the ground-floor is concerned, the shop floor, the entrance, the only communication into the house, lying to the left, is along this passage, at the back of the premises?—Exactly so.
9573. Is it there the door is which you say being stopped up with brick, the communication between the two houses in that passage?—Exactly so.

Examined by the Committee.

9574. As the house now is, as the premises now are, they constitute one house?—I think so.
9575. There are entrances to all parts?—Yes.
9576. What is the appearance of the house from the outside; does it look as if it was two houses or as if it was one house?—It appears as two houses; the windows are not the same; the windows of one house are of a different plan to the other; it appears as two houses.

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9577. Do you recollect what is the appearance of the roof?—I think the roof is level, all the one height level.

9578. Is the place you call Cheapside in the left-hand house or right-hand house?—It is in the right-hand house.

9579. What premises are there at the back of the house?—When you go into the gateway the door you first meet is the hall-door or office-door; the next is the kitchen-door; the next is where there is salt.

9580. Is that under the same roof as the house you have just been speaking of?—It is under the roof of the house with the left hand I am speaking of, the timber-yard concern; this is the concern he pointed out to me to let.

9581. There is the house and there are the premises between the house and the timber-yard?—The premises go up right ahead plump to the back of the dwelling-house, full to it; there is a long piece up the yard to it; then on the left hand in the yard there is a saw-pit, and above that again is a shed, where all the show timber is kept.

9582. What appearance has the interior part of the house; does it look as if it had been originally one house; when you examined the house inside, does it appear one original house or regularly two houses?—The interior of the house; I was never up-stairs; the under part seems as if the house was a distinct house to itself to the timber-yard.

9583. As if each house had been a distinct house?—It appears to me as if the under part of the timber-yard house was a distinct house to itself, and not with the other house; but then the doors——

9584. Do you mean to say the doors of communication have been made between the houses below since?—I think that it was intended in building; that it was intended for a distinct house to itself; but these doors were left open for to have a communication or not; that is, that if Mr. O'Brien wished to let this house he could have had it as a distinct house to itself.

9585. Are we to understand when the house was built it was built with convenient doors, so that it would be one house or two?—That is my opinion.

9586. That it was then originally built as one house, but made convertible into two?—I cannot say the house was built at one time; one house appears to me to be newer than the other.

9587. How many staircases are there?—I was not up-stairs in the house.

9588. But below stairs did you observe?—There are two staircases, one in one house and another in the other.

9589. In the left-hand house, in the house connected with the timber-yard, what sort of staircase is that?—The staircase is out of the kitchen.

9590. Out of the kitchen?—Out of the kitchen.

9591. Where is the other staircase?—The other staircase is out of the passage on the right-hand house; is out of that passage I allude to.

9592. Cheapside?—Yes; when I mention the kitchen, it is where he pointed out to me would be the kitchen for my concern; that is not the kitchen where they live in.

9593. Do you know how long this Cheapside has been established?—Well now, I think it is as long as I have remained in Carlow.

9594. Were you ever in Carlow before you went to reside there?—I believe I was once.

9595. You had no means of judging of the state of things before you went there?—Not the slightest.

9596. And this is all within the last 13 months?—All my knowledge is within the last 13 months.

[The Witness withdrew.]

Thomas M'Quaid called in and sworn; Examined by Mr. *Wrangham*.

Thomas M'Quaid.

9597. DO you know the premises in which Daniel O'Brien lives in Tullow-street?—I do.

9598. How long have you known them?—I have known them these 12 years.

9599. Have you known who has been living there for that time?—I have.

9600. Who has been the person living there?—Daniel O'Brien.

9601. Have you seen him during the course of the 12 years residing there?—I have.

9602. Have
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Thomas M'Quaid.

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9602. Have you ever known him cease to reside there at any time during those 12 years?—Never.

9603. Have you been in the habit of visiting the timber-yard occasionally?—Yes.

9604. During the whole of the time you spoke of?—Yes.

9605. Who has acted as the owner and manager of that yard during those years?—Daniel O'Brien.

9606. Have you at any period, either early or late, in that space of years, known any one else act there in that capacity?—No.

9607. Have you dealt in that yard for goods that are sold there?—I have.

9608. What is it you have bought there, now?—I have bought timber; I have bought fire-bricks there lately.

9609. Whom have you dealt with; from whom have you made the purchase of those articles?—Daniel O'Brien.

9610. Have you paid him for them?—I have.

9611. Have you been employed to do any thing in the way of your trade about these premises?—Yes.

9612. You are a whitesmith, I believe?—Yes.

9613. Will you tell us when it was you have been last employed to do any job at these premises?—I was employed in December, and I was employed in January in it; and I was employed throughout the winter at different jobs.

9614. Do you remember particularly being employed upon putting up a railing there?—Yes.

9615. Where was that railing to be put?—On his parlour window.

9616. There is a hall-door in the front of the house, is there not?—Yes.

9617. On which side of that hall-door is the parlour window, as you look at the house?—If I was facing the house it would be on my left.

9618. Is that the room the family generally live in?—It is the room I very often see Mr. O'Brien's family in.

9619. Where was this railing to be put?—On that window stool.

9620. Window cill?—Yes, window cill.

9621. Who gave you the orders about the railing?—Daniel O'Brien himself.

9622. I am not asking you what he said; did he tell you the reason why he wished to have it?—Yes, he did.

9623. Have you been paid for that?—Yes.

9624. Who paid you?—Daniel O'Brien himself.

9625. Have you ever had accounts with O'Brien?—Yes, I have.

9626. In matters of business?—Yes.

9627. Now, with respect to other jobs you have done about the premises, by whose direction have you done those jobs?—By Daniel O'Brien's.

9628. Is he the only person who has given you orders to do those things?—Yes.

9629. To whom did you look for payment?—To Daniel O'Brien, and to him I have always furnished my bill.

9630. Have you ever seen the family at meals in this house?—Yes, I have.

9631. Recently?—Yes.

9632. Have you seen them at dinner?—Yes, and breakfast both.

9633. Who have you seen acting as master and presiding at the table?—Daniel O'Brien.

9634. Do you recollect whom his family consist of?—Of his children.

9635. How many do you know?—I know four of his children; five; I know five of his children.

9636. Do they reside with him?—Yes.

9637. We understand there is a gateway that leads into the timber-yard?—There is.

9638. Whose name is over that?—Daniel O'Brien's.

9639. By Mr. Austin.] What is the name over the shop—we might as well have it all at once; what name do you remember is over the shop?—O'Brien.

9640. Have you ever seen any person acting on these premises in the house or timber concern as master of the premises except Daniel O'Brien?—Never.

9641. Now, as you look at these houses in front are they uniform like one house; or has it the appearance of having been two?—It has the appearance of two.

9642. As to the windows?—The windows are quite different; the windows in one house are different from the other.

Thomas M'Quaid.

Examined by the *Committee*.

25 May 1839.

9643. You have been in the house?—Yes.
 9644. Have you been up-stairs?—Not lately.
 9645. You have been up-stairs?—Yes, but not lately.
 9646. There is connexion as well up-stairs as down between the two houses?—I really cannot recollect that; I think there is; I am not very sure; I think there is.
 9647. How many staircases are there?—Only one that is leading up to the house; there is another staircase going up to the ware-room he has over the shop.
 9648. I mean on the entire premises?—Really I do not know.
 9649. You have not been through the premises?—No, not through the up-stairs but through the timber-yard; and where my business leads me, I have.
 9650. Have you been over the rooms below?—Yes.
 9651. The ground-floor?—Yes.
 9652. The whole of them?—Indeed, I have.
 9653. Then surely you can tell whether there are two staircases?—Only one below leading up-stairs.
 9654. Out of none of the rooms is there another staircase?—I do not know how many rooms there are in the house.
 9655. From below stairs from the ground-floor you only saw one pair of stairs?—Yes.
 9656. Are there not some stairs from the kitchen of the house belonging to the timber-yard?—I do not understand; are there stairs from the kitchen?
 9657. Yes.—There are wooden stairs just at the kitchen-door, going up into the lath-stores and places.
 9658. But they are not like house-stairs?—O, no.
 9659. There is only one what you may call family-house staircase?—Yes.
 9660. Throughout the whole?—Yes.
 9661. Are you sure that there is only one staircase from the lower part of the house?—Only one ground staircase; one principal staircase; there is another leading up to the ware-room.
 9662. Did you ever go up that staircase?—No.
 9663. You do not know where it leads to?—No.
 9664. You do not know whether it leads to other rooms but that one?—The staircase in the ware-room?
 9665. Yes.—I know that staircase leads only up to the ware-room; I have been up those stairs, that is, the stairs leading to the ware-room.
 9666. Have you been in the upper part of the house?—No, I have never been in the upper part of the house.
 9667. You saw only one staircase by which the family would go to bed?—Yes, that is all.
 9668. Where is the staircase leading to the ware-room?—It is out of the shop.
 9669. By Mr. *Austin*.] Will you ask him this; in what room he saw the family dine?—In the parlour.
 9670. Where is the parlour?—In the one house where I put the rail.
 9671. Was that on the right or left of the door?—On the left of the hall-door.
 9672. You said Daniel O'Brien's name is over the door-way?—Over the gate-way.
 9673. Is it "Daniel O'Brien," or "D. O'Brien"?—"D. O'Brien."
 9674. Who carries on the business in soft goods now?—His children and himself attends there now, sometimes; his children are very young, some of them; I saw him in the shop too attending the business with the children.
 9675. What is over the door of the shop?—"O'Brien."
 9676. Any initials before "O'Brien"?—None.
 9677. And no letter after it?—None.
 9678. Have you ever bought goods in the shop?—Yes; in the soft goods shop?
 9679. Yes.—Not lately, I have not; but that railing I put up there to O'Brien's window; I sent in my bill to Mr. O'Brien's house; I took it in myself, rather; his son told me he could not pay me until his father came home; his father was from home at the time; when his father came home he paid me himself.
 9680. Do you remember O'Brien being in difficulties?—Yes, I remember it; his failure in business.

9681. Were

9681. Were there any accounts between you and him at that time?—There were. Thomas M'Quaid.

9682. To whom did you pay it?—A few days before his failure, I had a bill of O'Brien's paid me himself, and after that—

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9683. When he became in difficulties there was nothing due between you and him?—Nothing at all; after he commenced business he paid me always himself.

9684. Has the soft goods business ever been carried on by his children?—Yes, I believe it has.

9685. You do not know for certain?—I think it has been carried on by his children; I have seen some advertisement that said it was carried on by his children in partnership in the soft goods trade.

9686. What was the partnership?—Between Mary O'Brien, George O'Brien and John O'Brien; and I saw afterwards an advertisement up through the streets, the partnership was dissolved.

[The Witness withdrew.]

Mr. *Wrangham* was heard to sum up the case in support of the vote, and to contend that the voter had never been out of the occupation as tenant of the house, in respect of which he had registered, and quoted the case of Carter in Knapp and Ombler's Reports, page 241, wherein it was held bankruptcy did not vitiate the vote.

Mr. *Austin* admitted bankruptcy or insolvency *per se* was no disqualification.

Mr. *Wrangham* was heard in continuation in support of the vote, and admitted that it might be taken, for the sake of argument in this case, that the bankruptcy of the voter had been legally proved; but he contended, that although there was a bankruptcy and a sale of the lease of the premises, yet that the bankrupt remained the tenant until the sale of the lease, and after the sale he remained the tenant of the party whoever purchased it; and that at the time of the voting, the voter continued in possession of the same qualification that he had at the time of the registration.

Mr. *Austin* was heard to sum up the case against the vote, and to contend Daniel O'Brien had ceased to occupy the premises for which he was registered as owner or tenant; the distinction between this case and Carter's case in the Worcester Committee was, that in that case the assignees did not take to the lease of the premises, but the voter remained in the possession of them as the lessee. In this case the lease had been sold, and had been purchased either by the voter, or by his children, through a trustee. If they had been purchased for the children, the voter had lost possession as lessee; if they had been purchased for the voter, the voter being an uncertified bankrupt at the time of the purchase, the sale was void, the property reverted to the trustees, and the voter could only have been there upon sufferance; therefore as the voter had not occupied as tenant or owner, he was not entitled to vote, and his vote ought to be struck off the poll.

The room was cleared.

The Committee deliberated.

Counsel and Agents were called in, and informed by the *Chairman* that the Committee had resolved "That the vote of Daniel O'Brien is a bad vote, and that it be struck off the poll."

[Adjourned till Monday, at Eleven o'Clock.]

Lunæ, 27^o die Maii, 1839.

GEORGE GROTE, ESQ., IN THE CHAIR.

The Names of the Members were called over—all present.

Mr. *Austin* stated he should propose to remove the vote of Thomas Green from the poll of Mr. Bruen.

The voter stood 315 on the poll; described as residing in Graigue, and voting for house and premises; bribery and qualification oaths were put to the voter, and his vote was objected to.

Alexander John Humfrey, Esq., called in and sworn; and produced the affidavit.

A. J. Humfrey,
Esq.

27 May 1839.

The affidavit of register was dated the 22d of June 1836, describing the voter as a pensioner in Slaity-street, in the town of Graigue, and registering for house and premises.

William Jackson.

William Jackson, called in, who, before being sworn, stated that he had been in town nearly a month, and claimed to have his expenses paid.

Mr. *Austin* stated, cases of a similar kind had before occurred, and the Speaker's decision had been, that a witness was only entitled to the payment of the expenses necessary to bring him before the Committee; if those were paid he could not object to giving his evidence; and in case of his having further claim, there was a regular course of proceeding for obtaining it, regulated by the statute.

Mr. *Thesiger* stated, he apprehended the same rule applied to Committees as applied to the proceedings in courts of justice, and there a party was entitled to the payment of his expenses before he gave his evidence, if he chose to object.

The *Chairman* stated it appeared to him that in acting upon the rule stated to have been laid down by the Speaker, that of the payment of the necessary expenses to bring the Witness to the Committee, must include the expenses the Witness had been put to, up to the time of his being placed in the witness-box.

Upon Mr. *Baker*, the Agent of the Petitioners, undertaking to pay the Witness his demand after he had given his evidence, the Witness was sworn.

Mr. *Thesiger* stated, that during the discussion he had investigated the nature of the objection to this vote, and finding that he could not successfully defend the vote, he agreed to the vote being struck off.

The *Committee* resolved "That the vote of Thomas Green was a bad vote, and it should be struck off the poll."

Mr. *Thesiger* stated he should propose to remove the vote of James M'Donnell or M'Donald from the poll of Mr. Gisborne.

The voter stood 285 on the poll; described as residing in Tullow-street, and voting as a 10l. householder, for house and premises. Qualification oath was put to the voter, and his oath was objected to.

Mr. *Humfrey* put in the affidavit of register.

The affidavit of register was dated 22d of June 1836, describing the voter as an eating-house keeper, of Tullow-street, in the borough of Carlow, and registering for house and concerns.

Mr. *Thesiger* stated in the affidavit of register he was called James M'Donnell, but he marked as James M'Donald.

Mr. James Young called in and sworn; Examined by Mr. Thesiger.

Mr. James Young.

27 May 1839.

9687. DO you know James M'Donnell or M'Donald, of Tullow-street?—

I do.

9688. I mean the eating-house keeper?—I do.

9689. I observe, in his affidavit of register, he is called M'Donnell in the body of it, and there is M'Donald, his mark; he is called indifferently M'Donnell and M'Donald?—He is.

9690. In the year 1835, did you let M'Donnell a house in Tullow-street?—Yes.

9691. At what rent?—Nine pounds ten shillings.

9692. Were you present, in the month of June 1836, when M'Donald registered?—I was.

9693. Did he register out of the house which you had let to him?—He did, house and garden.

9694. It is called house and concerns; was there a yard?—Yes.

9695. Are you also the owner of the house which adjoins that house in Tullow-street which you had let to M'Donald?—Yes.

9696. Did he at any time afterwards, I believe in the year 1838, enter into an agreement with you to take that adjoining house, together with the house which he had held of you, at an entire rent?—He did.

9697. Did you let him the two houses?—I did.

9698. At what rent?—Sixteen pounds.

9699. By the *Committee*.] Sixteen pounds for the two?—Yes.

9700. After you had let him the two houses, did he remove from the first house into the second?—He did.

9701. When was that that he so removed?—He removed the morning after I made him the lease.

9702. In what month was that?—In April.

9703. By the *Committee*.] M'Donald removed from the first house into the second?—Yes.

9704. Did he remove his furniture and his goods into the second house we must call it?—He did.

9705. And did he remove into the house with his family?—He did.

9706. Now, after he had removed into the second house, did he put the first house into repair?—He did.

9707. Did he afterwards let that first house to a person of the name of Kelly?—He did.

9708. Did Kelly and his family enter into possession of that house and live in it?—It was a Mrs. Kelly.

9709. And has she any family?—She keeps a lodging-house.

9710. Did Mrs. Kelly keep that first house as a lodging-house afterwards?—She did.

9711. And was she living in it at the time you left Carlow?—She was.

9712. From the time she entered, about two months after April 1838, up to the time you left Carlow?—Yes.

9713. Now, while M'Donald lived in the first house, had he his name over the door?—He had.

9714. Did he carry on any business?—He kept an eating-house.

9715. When he removed to the second house, did he remove his sign board?—He did.

9716. To the second house?—To the second house.

9717. Does he also keep a huckster's shop?—He does.

9718. Now, was the first house, during the time it was repairing, was it unoccupied?—It was.

9719. And was it unoccupied from the time M'Donald left it to the time Mrs. Kelly entered?—It was.

9720. You were in the house yourself at times?—I was.

9721. Did M'Donald tell you whether he had let that house, the first house?—He did.

9722. What did he tell you he had let it for?—He told me he had let it for 9l. a year, and that he had got a good tenant.

9723. Now, were you in that first house in the month of June 1838?—I was.

9724. And did you see Mrs. Kelly and her family residing in it?—I did.

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9725. Was she also in possession of the yard which belonged to the house?—She was.

9726. Now, has M'Donald retained the garden which belonged to the first house and added that to the second house?—He has.

9727. And that he occupies with the second house?—Yes.

9728. What is the value, to let by the year, of that garden?—I think it is about two guineas.

9729. By the *Committee*.] Was the garden of the old house worth two guineas a year?—It was.

9730. By the *Committee*.] By the old house, you mean the first house?—Yes.

9731. Are the two houses perfectly distinct, separate houses?—They are.

9732. No communication between them withinside?—No.

9733. By Mr. *Austin*.] You say no?—There is a small little hall, about three feet square, at the back door, the door of Mrs. Kelly's house; common to both that goes out.

9734. At the time of the registration, M'Donald had only this first house?—That is all.

9735. Is that hall outside the house or inside?—It was shedded over to keep the rain from going into both sides.

9736. By the *Committee*.] What we call a porch in England?—A porch.

9737. Is this space covered by the roof of the house?—It is a shed up against the house.

9738. By the *Committee*.] Is it as high as the roof?—No.

9739. By the *Committee*.] Is it a shed to protect persons coming in at the house?—From the weather.

9740. By the *Committee*.] What we call in London a porch?—Yes.

9741. By the *Committee*.] And outside the house?—Yes.

9742. By the *Committee*.] Is there a door to each house from this porch?—There is.

9743. A shed to protect persons at the back of the house who happen to be standing at the doors at the back?—Yes.

9744. There is a door, as I understand, underneath this porch or shed, a door to each house?—Yes.

9745. By the *Committee*.] This porch is at the back of the house?—Yes.

9746. A shelter from the weather common to both the doors?—Yes.

9747. Now, in the month of April last, had you any conversation with M'Donald about his tenant, Mrs. Kelly?—I had.

9748. Did he say whether she owed him any rent?—He told me she owed him half a year's rent.

9749. Did he say whether she was as good a tenant as he expected?—He said she was not paying him as well as he had expected.

9750. This was after he had voted at the election?—Yes.

9751. Did you make any observation to him about his having voted?—Yes.

9752. What did you say to him?—I told him I was surprised when I heard he had voted.

9753. What did he say to that?—He said he could vote a great deal better than many that did.

9754. Did he say why?—He said Mrs. Kelly let him into one of the rooms the night before he voted.

Cross-examined by Mr. *Austin*

9755. You say there is a hall, is there?—A shed up against the back of the door at the back of the house.

9756. You called that a hall at first?—Yes; that is what it is called.

9757. How do you get into the hall?—Out of the yard, or out of M'Donald's house, or out of Mrs. Kelly's house; out of either of the houses.

9758. How do you get into the hall from the outside?—From the yard, or Tullow-street.

9759. Could you get into the hall more than one way?—You can get into it three ways.

9760. Three ways from the outside?—No; you get in through Mrs. Kelly's house, and you can get in through M'Donald's house, and from the yard outside.

9761. The

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9761. The hall is at the back part of the house, is it?—Yes.
9762. And can you get into it from Tullow-street?—Yes, if you go through either of the houses; there is separate doors in Tullow-street to each house, known by separate numbers, one 84 and the other 83.
9763. Is one of them a shop-door?—Yes, they are both shops now.
9764. I understand you to say you can get through from the outside in both directions?—Yes.
9765. When did you hear M'Donald registered out of this house?—In June 1836, at the June quarter sessions.
9766. Who were in that other house, as you call it, which you say M'Donald has now, at that time?—I think a man by the name of Cope.
9767. You state it was a man by the name of Cope?—I believe he was in at that time.
9768. Did you not try to register him out of it?—Yes.
9769. And did you not fail?—Yes.
9770. He was rejected by the barrister?—He was.
9771. He, you say, was rejected?—He was.
9772. Do you know any thing of M'Donald letting the house to Mrs. Kelly yourself; were you present?—No.
9773. You do not know whether or not he kept one of the rooms there?—He told me he did not.
9774. He told you that also?—Yes.
9775. Do you know otherwise than from what he told you?—I saw her in the occupation of it all.
9776. Do you know otherwise than from what he told you, he did not keep one of the rooms; you were not present at the bargain, I suppose?—No.
9777. When did he tell you this?—The next morning after Mrs. Kelly's going into it.
9778. What did he say to you; that he did not keep any room?—I was coming up the street and I saw the shutters down; they had been up some time, and I went into him; and, "Well," said I; I saw people in it; said I, "Have you set the house?" "Yes," he says; "Yes, I have set it to a widow woman;" said he, "I think she is a good tenant."
9779. Did he tell you he had not kept a room?—He did; he told me he had kept nothing.
9780. How came he to say "he had kept nothing;" that is a strange observation?—He did not say he had kept nothing; but he had set all the house to her.
9781. Did he, or not, say he had kept nothing?—You asked if he had kept a room.
9782. Did you not say he said he had kept nothing?—I said he kept no part of it.
9783. Did he tell you he kept no part of it?—Yes.
9784. Now, you say he did?—Yes.
9785. Do you mean he used the words to you, that he had let the whole, and kept no part of it?—He did; there was no conversation about that.
9786. Did he say he had kept no part of it?—Yes.
9787. You are quite distinct?—Yes.
9788. Now, I understand you to say he said he had let the house, and he had kept no part of it?—Yes.
9789. He said those words, or words to that effect?—He said those words, or words to that effect, and I saw her in the occupation of it all; I went through it with him; I had allowed him something for the improvements he was making there, and I wanted to see if they were all complete.
9790. Who has the hall that you spoke of?—Both parties have it; common to both.
9791. Did he tell you he had let the hall, or part of it; did he tell you that?—He said she would have free access into her part of the yard.
9792. He told you that?—Yes.
9793. Who kept the key of the hall?—There is no lock to it; there is no lock to the outer door.
9794. Is there a bolt?—No, it is a latch.
9795. He told you she was to have free access?—Yes.

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9796. When was it you had this conversation with him after the election?—In April.

9797. How long after the election?—I think it was about the 20th of April; he was paying me rent.

9798. Did you begin the conversation?—No, indeed; he introduced it himself.

9799. I thought you told us you asked him how he came to vote at the election?—So I did, but he was talking nearly an hour about a variety of things; for I really believe him to be mad about politics.

9800. I understand you he had been talking for an hour about politics, and rent?—Yes.

9801. And then you asked him this question, how he came to vote?—Yes; I did; and more than that, I did not commence the conversation about it,

9802. Was M'Donald present when you tried to register Cope?—He was.

9803. Was he opposed by M'Donald?—He was.

9804. Was he opposed because he had not possession of the house?—No.

9805. Upon what ground was he opposed?—Want of value.

9806. Had you tried to register Cope before that time?—No; not—

9807. Not for what?—Not before that time.

9808. Have you tried to register him since?—He is out of the house entirely.

9809. Have you tried to register him since?—I believe he made application twice.

9810. Did you try to register him since?—I have told you he is out of the house entirely.

9811. Why cannot you answer that simple question; did you try to register him since?—No.

9812. Were you examined at the assizes on the appeal; Cope's case?—Yes, I think I was.

9813. Have you any doubt you were?—No, I do not think I have any doubt; I was examined.

9814. The case was submitted to a jury, was it not?—It was.

9815. They rejected the vote, did they?—They did.

9816. Did you not swear that the house was worth 10*l.*?—I did.

9817. And they did not act upon that evidence?—No.

Re-examined by Mr. Thesiger.

9818. Did you believe the house to be worth 10*l.*?—Yes, and I have got it from another person since Cope left it.

9819. After Cope left, you got a person who took the house at 10*l.* a year?—Yes, at ten guineas, and paid it me; they were in for two months, and M'Donald commenced annoying them and abusing them, and they were obliged to leave it.

9820. Let us understand about this hall or porch, or shed; is the yard common to both houses, house No. 83 and the house No. 84?—It is.

9821. And was it so always?—Yes.

9822. So that persons can get to the back door of both houses, 83 and 84, by going into the yard?—Yes, into this hall or porch.

9823. Into the yard, and so to the porch or shed?—Yes, it is a shed built up against the house.

9824. By the *Committee*.] Are the houses numbered?—Yes, they are distinct and separate numbers.

9825. You say there are three ways of getting to this shed, one way outside, that is through the yard?—One way at the rear.

9826. One way in the rear through the yard, and one way out of the house; out of 83 and out of 84 into it?—Yes.

9827. Those are the three ways you mean of getting into this shed?—Yes, there is no other way of getting into the yard but this way.

9828. At the time you tried to register Cope, was Cope in the occupation of this adjoining house entirely, without any communication with M'Donald at all?—Yes, he was.

9829. You went over this house after he had let the premises to Mrs. Kelly?—Yes.

9830. And you say she was in the occupation of the whole of the house?—Yes, I did.

9831. I am

9831. I am not aware of this fact; this is quite new; were you present at the time M'Donald came to re-register for this house in 1838?—I was not.

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Examined by the Committee.

9832. Was this hall built at the time Cope claimed to register out of the house?—It was.

9833. He had the same portion of the hall and of the premises that the other man had afterwards?—Yes, after M'Donald's getting it; first there was a hall common to both.

9834. What is the hall; is it built up all round, close all round?—Previous to my setting it to M'Donald, there were three entrances into the yard; there was an entrance through M'Donald's house; there was an entrance through a hall common to both, and there was an entrance to another house, 83, where Cope lived: after setting it to M'Donald he stopped up the whole hall entirely, common to both parties, up to the door of the house, and leaving nothing but this little porch for the accommodation of Mrs. Kelly to go out into the yard.

9835. Was there a separate door to each house?—Yes.

9836. Was that porch built and in existence at the time that Cope came to register out of the house?—It was.

9837. At the time he was refused?—Yes.

9838. Was it slated?—Slated.

9839. At the time when M'Donald had it, was there more than one entrance into Tullow-street?—At the front of the house, previous to my making a lease of the whole?

9840. Yes.—Yes, there were three entrances out of Tullow-street.

9841. There is No. 83 and 84; was there a separate entrance into No. 83 and also into 84, in Tullow-street?—Yes, there was.

9842. There was so always?—Yes, until I set it to M'Donald, and until I set the second house.

9843. What was there before you set to M'Donald?—There was a hall.

9844. In front?—Yes.

9845. I want to know whether that hall in front had more than one door into the street in front?—There were two doors, 83, 84, and the hall.

9846. Were there two doors into Tullow-street, or one door under this hall? The question now refers to the hall in Tullow-street, and not to the hall behind; I wish to ask whether there were two doors or one door, before you set it to M'Donald?—There were three doors before I set it to M'Donald, three doors into Tullow-street.

9847. One of those doors was No. 83, the other 84, and what was the third?—There was a hall or passage common to both parties.

9848. Were the two doors you speak of, of 83 and 84, doors in the wall of the house?—Doors in the street.

9849. Doors in the wall of the house?—Yes.

9850. Where was the third door, in the wall or in the porch?—In the wall.

9851. Was it between those two doors?—Yes.

9852. The door in the hall of which the Witness speaks, in the hall was a door between those two other doors?—Yes.

9853. Was the door in the hall in the same line with the two other doors?—It was.

9854. Does the hall project over the wall of the house?—The porch does.

9855. Is the porch and the hall the same thing?—Yes; they were both joined together.

9856. There are three doors?—Not now.

9857. There were three doors?—Yes.

9858. Will the Witness have the goodness to explain where those three doors were?—They were in Tullow-street.

9859. In what houses were they?—There was one door in 83, one door in 84, and there was a door or hall between both.

9860. Does the hall lie within the outer wall of the house; does it lie between the two houses, or is it a projection without the wall of the two houses?—It lies between both houses.

9861. Is it like a room between the two?—No; it was a hall between them; a passage about three feet and a half wide.

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9862. Is the wall of the hall the same wall as the wall of the house?—Yes.
9863. Then the hall is not a porch outside of the house?—No.
9864. The hall is in that case a room or a passage between the rooms of the house?—Yes.
9865. Then I understand the Witness correctly, the hall in Tullow-street is a different kind of hall from the hall at the back of the house?—It is.
9866. Are the doors of the houses 83 and 84, of which the Witness speaks, are those doors out of the hall into that house, or are they in Tullow-street?—They are in Tullow-street.
9867. Is there one door in Tullow-street, or are there three doors in Tullow-street?—Two now.
9868. Were there at the time of which I am speaking three doors in the wall of the house in Tullow-street?—There were.
9869. When you go into No. 83, now, do you go out of Tullow-street directly into the house No. 83, or is it necessary you should go into the hall first?—It is not necessary to go into any hall; you go out of Tullow-street into No. 83 and into No. 84.
9870. Was that the case in the same way before you set it to M'Donald?—Yes.
9871. What was the state of the case before you set it to M'Donald?—There was a hall before I set it to M'Donald that led into the yard, that was common to both parties.
9872. And there were doors from each house into the passage?—Yes.
9873. At the time M'Donald took the two houses, did he not lay this hall into one of those houses, the house he occupied; when M'Donald took this house, did he lay this hall into one of the houses?—Yes, he did, into the house he went to live in.
9874. Which was that?—Eighty-three.
9875. Did he then block up the third door?—Yes.
9876. Since M'Donald's tenaney, that which was before a distinct hall into the two houses has become part of the house No. 83?—Precisely.
9877. With respect to the hall, of which you have spoken, at the back of the house, is that built of the same materials as the house itself?—It is.
9878. Of the same materials?—Yes.
9879. What are those materials?—Lime and stone.
9880. Is it inclosed on all sides?—It is.
9881. Is it a building that has a window in it?—Yes, I think it has a window in it; it has.
9882. Is it a small room?—It is a small room sheded up against the back of the house.
9883. With one door?—Yes.
9884. Within that there are two doors, the one belonging to one house, and the other to the other?—Yes.
9885. You say the hall has been now added to one of the houses; you called it 83; which do you call 83, the right-hand or the left-hand side?—The right-hand side is 83.
9886. Looking from Tullow-street; going into the house from Tullow-street, is No. 83 the right-hand or left?—On the right-hand.
9887. Before you set the house to M'Donald, was there a door from the interior hall into No. 83?—Yes, there was.
9888. And there was no similar door into No. 84?—No.
9889. What has been the alteration made by M'Donald?—He stopped up the door of the hall, and put a window to it.
9890. And the back door?—Yes.
9891. Instead of the door he put a window?—Yes.
9892. Has he taken away the partition between the hall and No. 83?—Yes.
9893. So that what was before this interior hall, the middle hall has now become part of the house No. 83?—Yes.
9894. The door of 84 remains as before?—Yes.
9895. Each house has now only one door in front?—Yes.
9896. And one in the rear to each house?—Yes.
9897. A back door to No. 83?—Yes.
9898. And another to 84?—Yes.

9899. Those

9899. Those back doors both go into this porch behind?—Yes.
 9900. Which porch is a shed, a roofed building?—Yes, one square in this way up against the house.
 9901. Behind the porch there is a yard?—Yes.
 9902. Has the porch a door from the porch into the back yard?—It has.
 9903. Is that door locked?—No.
 9904. There is no communication whatever, at present, into those houses, but the passage?—No.
 9905. When was the passage stopped up?—When M'Donald got it.
 9906. There has been no communication whatever between that house and this hall here?—No.

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[The Witness withdrew.

Alexander John Humfrey, Esq., called in; Examined by Mr. *Thesiger*.

9907. WILL you produce the affidavit of re-register of M'Donald in 1838?—Yes. [*It was put in.*]

A. J. Humfrey,
Esq.

Mr. *Thesiger* stated the affidavit of registration of the voter of the 27th of December 1838, was for "houses and garden in Tullow-street."

Mr. *Thomas Crawford Butler* called in and sworn; Examined by Mr. *Thesiger*:

9908. WERE you present at the registration in the month of June 1836, when M'Donald was registered?—I was.
 9909. For the house and concerns in Tullow-street?—Yes.
 9910. Did you also attend the registry in December 1838, when M'Donald came to be registered again?—I did.
 9911. Out of what premises did he then seek to register?—A house and premises adjoining the one he registered before, in Tullow-street also.
 9912. Was he sworn and examined on that occasion?—He was.
 9913. Did he say what he had done with the house he had registered out of in June 1836?—He did.
 9914. What did he say?—That he had set them to a widow woman of the name of Kelly.
 9915. Did he say at what rent?—At 9 l. a year.
 9916. Did he state whether those were the premises he had registered out of in June 1836?—I particularly cross-examined him to that fact, and he said he did, that they were the same premises out of which he had previously registered.
 9917. Did he say, then, whether he had taken a lease of that and the adjoining house?—He did.
 9918. What did he state on that subject?—He said that since his previous registry he had made a new bargain as to this house; he had taken both of them at a rent of 16 l. a year.
 9919. Was any question asked him as to the value of the house out of which he sought to register at that time, December 1838?—There was; I asked him, and he said, in consequence of an outlay of 20 l., he had considered it of value; that made it value.
 9920. By the *Committee*.] This was for 83?—This was for the last house; I do not know the number.
 9921. Did you attend at the election?—I did.
 9922. M'Donald, we find, voted there?—He did.
 9923. Out of which certificate did he vote?—June 1836.
 9924. How do you know that?—I took a note of it.
 9925. Did you take an objection?—

Mr.
T. C. Butler.

Mr. *Austin* objected to the question, as no notice had been proved.

9926. Is this the note you took at the time [*handing a book to the Witness*]?—This is the note I made at the time of his voting.
 9927. What was the objection Mr. Butler made at the time of polling?—Having lost the house out of which he previously registered.

Cross-examined by Mr. *Austin*.

9928. Did you send in an objection paper?—Yes, in 1836.
 9929. Have you got that there?—Yes.

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9930. Is that the objection you made at the last election?—Yes.

9931. Did you send in an election paper?—I think I did.

9932. Where is it?—I do not know.

Mr. Austin.—If it is here let us see it.

Mr. Thesiger stated there was no occasion to have an objection in writing.

Examined by Mr. Thesiger.

9933. Did you object verbally at the poll?—I did.

9934. What was your verbal objection; was the objection sent to the assessor?
—No assessor.

9935. To the returning officer?—Yes; I objected to the returning officer.

[The Witness withdrew.

Mr. Humfrey called in; Examined by Mr. Thesiger.

Mr. Humfrey.

9936. DID you attend at the election?—Yes.

9937. Did you receive the objections when there were notices of objection sent in?—I received the objections after the election was over.

9938. Have you got them here?—Yes.

Mr. Thesiger stated it was necessary for him to prove the voter had notice to produce the certificate of register upon which he claimed to vote.

James Brennan called in and sworn; Examined by Mr. Thesiger.

James Brennan.

9939. DID you serve the notice of which this is a copy, or a copy of that notice, upon M'Donald?—I did, just as it is marked on the back.

9940. On his wife at the dwelling-house, 22d April 1839?—Yes.

Cross-examined by Mr. Austin.

9941. Where?—In Tullow-street, in his dwelling-house.

Mr. Austin stated it appeared that the notice now produced was a notice upon John M'Donald; whereas the voter was James M'Donald.

Mr. Thesiger stated a mistake had been made; they had the notice which was given to James M'Donald. Mr. Thesiger showed the notice to James M'Donald, with which Mr. Austin stated he was satisfied.

Mr. Butler again called; Examined by Mr. Thesiger.

Mr.
T. C. Butler.

9942. WHAT was the objection you made at the poll?—The objection I have is in my own hand; it is, "Objected to James M'Donald, Tullow-street, inasmuch as the voter lost the household out of which he registered in 1836, and has since registered in December 1838, and was not six months registered under the same so as to enable him to vote at the present election.—Thomas C. Butler."

9943. Did he claim to vote, and vote at the election out of his certificate of register in 1836?—He did.

Cross-examined by Mr. Austin.

9944. You say you were present when he registered?—In December 1838.

9945. Then he had got the other house in addition?—So he said.

9946. I think you told us he said, that he had made a new bargain as to his house?—Yes; with his landlord.

9947. And he had taken both at 16 l. a year?—Yes.

9948. And an outlay you say he made of about 20 l.?—Yes; because I made an objection, the rent being only 7 l., taking away the 9 l.; how was it possible he could establish that to be worth 10 l. a year? "Oh," says he, "since I have taken it, I have laid out 20 l., and it is now the full value of 10 l."

9949. And he was admitted, was he?—Yes.

9950. There was no difficulty about admitting?—He swore to the value.

Re-examined

Re-examined by Mr. *Thesiger*.

9951. Who was the assistant-barrister?—Mr. Gibson.

[The Witness withdrew.

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Mr. *Thesiger* was heard to sum up the case against the vote, and to contend, that as the voter had parted with the property for which he registered in 1836, and he had not been in possession of the property six months before the election, for which he registered in December 1838, he had no right to vote, and, consequently, that his vote should be struck from the poll.

Mr. *Austin* was heard in support of the vote, and contended that inas-much as it appeared the voter had been registered in December 1838 for both houses, although he could not vote upon that registration, it was clear he had never been out of the occupation entirely of either of the houses, and that Mrs. Kelly was merely a lodger.

The room was cleared.

The Committee deliberated.

Counsel and Agents were called in, and informed by the *Chairman* that the Committee had resolved "That the vote of James M'Donald was a good vote."

Mr. *Wrangham* stated that he should propose to remove the vote of John Murphy from the poll of Mr. Gisborne.

The voter stood 26 on the poll; described as residing in Tullow-street, and voting for house, out-offices and premises; 10/. householder. Qualification oath put to the voter.

Mr. *Humfrey* put in the affidavit of register.

The affidavit of register was dated the 31st of October 1832, describing the voter as a locksmith, in Tullow-street, and registering for dwelling-house, out-offices and premises.

9952. By Mr. *Cockburn*.] DO you find two John Murphys?—There are several John Murphys, but only one in Tullow-street.

Mr. *Humfrey*.

In the list of objections, the John Murphy objected to was described as of Tullow-street, and two affidavits of register of persons of the name of John Murphy described, the one as of Hanover cottage, and the other of Green-lane,

Mr. *Henry Malcolmson* called in and sworn; Examined by Mr. *Wrangham*.

9953. DO you know the premises which John Murphy occupied in Tullow-street, some years ago?—I do.

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9954. How long have you known him occupying premises there?—John Murphy, the locksmith?

9955. Yes; I mean John Murphy, the locksmith?—Several years.

9956. That might be either 10 or 30?—I have known him 10 or 12 years.

9957. Does he at this moment continue to occupy the premises which you first knew him to occupy?—He does not.

9958. Who does occupy those?—A person of the name of Tracey; Thomas Tracey.

9959. When did the voter Murphy cease to occupy the premises which Tracey has now?—In January last; the 8th of January 1839.

9960. Do I understand you, that down to the 8th of January last, the voter had continued in the occupation of those premises?—Yes.

9961. Since the time you first knew him?—Yes.

9962. Had he, so far as you know, any other house in his occupation?—No; I never knew him to have any, nor do I believe it.

9963. I believe you have attended his family professionally?—I have.

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9964. Murphy

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9964. Murphy having ceased to occupy these premises, where does he now reside?—He resides up-stairs in part of the house that belongs to a person of the name of Fiery, a registered voter of the borough.

9965. Have you known Fiery, as you call him, living there?—I did.

9966. For some time, have you?—Yes.

9967. For how long?—Several years.

9968. About how many?—I have known him since 1832.

9969. You state him to be a registered voter?—Yes.

9970. Do you know what premises he registered out of?—I do.

9971. Which?—A shop.

9972. Is that where he is now?—He has left that lately; the under part of the house is occupied by a person of the name of Keogh, and Murphy occupies the upper part; Keogh occupies the shop part of the house owned by Fiery.

9973. Do I understand you Fiery occupied the whole of that house which is now divided, or separately occupied by Keogh and Murphy?—Yes.

9974. Murphy having the upper part and Keogh the lower part?—Yes.

9975. I believe this is the adjoining house?—Yes.

9976. Adjoining to the voter's?—Yes.

9977. Be good enough to describe to the Committee as accurate as you can the nature of the premises, what they consisted of, and how Fiery's house and the voter's house were situated relative to each other?—It was originally one house, with a common staircase.

9978. Do you know that fact?—I do; with a common staircase; and Murphy some years past made an alteration in it and put an additional shop, a shop in addition to his own.

9979. To that part of the house which he then occupied?—To that part which Fiery then occupied; Fiery occupied the other part immediately over the shop, and Murphy occupied the other part over his shop.

9980. What was the division then between them?—There was no division between them; there was a common stairs to both houses.

9981. When was this that you speak of that the house was in this position?—I have known it in that situation these 10 years, and up to January last it was in that situation I am now describing; and at that time Mr. Murphy, who lives in Fiery's house, got up a side door, or a door with his name or label plate on it; that is the only alteration in it since I have known it first.

9982. Where is that side door?—Immediately as you go in out of the street.

9983. As you go into what?—As you go into Murphy's house.

9984. Which do you call Murphy's house?—The house Murphy lately occupied.

9985. The one he had ceased to occupy?—Yes; that is occupied now by Tracey.

9986. Immediately as you go into that house?—There is a hall-door, or a door with Murphy's name on it.

9987. What is that in?—It is in the hall.

9988. You say there was a side door made into the hall, as I understand?—A door immediately opposite the street as you walk in; the hall-way was the breadth of a door.

9989. What do you mean by the hall-way; do you mean the passage?—The common passage.

9990. There was a common passage?—Yes.

9991. The width of the door?—Yes.

9992. Where did that passage go?—It led to a staircase.

9993. That staircase was common?—Yes.

9994. Where was the entrance from that passage or staircase into the house occupied by Fiery, and into the house occupied by Murphy on the other side?—Out of the hall; out of the hall-way.

9995. Was there a door into each of these premises?—When you go up-stairs there was.

9996. Did the hall-way go some height in the house?—The stairs went up to the top of the house, two stories high.

9997. Was the entrance to the house occupied by Fiery, and also the entrance to the other side of this hall-way occupied by the voter; was the entrance on the landing of the stairs?—Yes.

9998. Where

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9998. Where was the hall-door; I am speaking now before any alteration was made?—Opened out to the street.

9999. At the end of this hall-way or passage, as you call it?—Yes, at the beginning of it.

10000. Was the hall-door level with the front wall of the house?—It was.

10001. Then what was the mode of entrance to the lower part of each of these houses?—Fiery had a shop-door leading into his shop.

10002. Was that in the front?—In the front; Murphy had this common hall-door, and there was an entrance into his own shop from the passage in there.

10003. Out of the hall-way?—Yes; each had a distinct entrance to the shop, but the upper part was got at by a common stairs.

10004. You say there was an entrance into the house occupied by Murphy; that is, then occupied, now occupied by Tracey; from this common hall-way?—Yes.

10005. Whereabouts was that door?—It was on your right as you walked in out of the street.

10006. Tracey's house lying to the right and Fiery's to the left?—Yes.

10007. Do I understand you to mean in the same way as the entrance to the upper part of each house was from the right and left of the landing-place above stairs?—Decidedly.

10008. Were there any other premises, do you know, that were occupied by the voter, Murphy, besides those that are now in the possession of Tracey?—There were.

10009. State to the Committee where those premises were and what they were?—That is, in possession of Tracey?

10010. No, besides those?—There is a forge and a little small yard.

10011. Having told us what they were, will you be kind enough to tell us where they were?—They were in the rear of the house now occupied by Tracey and Fiery.

10012. In the rear of which; were they in the rear of one, the other, or both?—In the rear of both.

10013. That is to say, they lay behind?—They did not extend so wide as the two houses; the forge was not so wide as the two houses.

10014. Was the forge immediately in the rear of Fiery's portion or of Tracey's portion?—Of Fiery's portion.

10015. Was there a back door?—Yes, there was.

10016. Was that answering to the hall-door in the front?—The back door was three or four yards further on than the staircase.

10017. Was it, in point of fact, answering to the front or hall-door?—Yes; immediately opposite to it.

10018. The other end of this hall-way?—Yes.

10019. Then at the left of that as you come out, to the left of the back door as you come out, the forge would be?—Yes, exactly.

10020. Do you mean the yard extends somewhat on each side of the back door, or that it was only on one side, the yard?—Extended a short way across the back door, a little on each side, but more to the left than on the right; a very narrow thing.

10021. Very small?—Very narrow.

10022. That forge, as I understand you, Murphy is still in possession of?—Yes.

10023. Is that the only part of the premises which you have known him in possession of for several years, and out of which he registered, and which he retained?—Yes.

10024. Do you know the premises out of which Murphy registered?—I do very well; I will give a reason for knowing it, if you wish.

10025. Give it?—I went to view Mr. Murphy's premises in 1838, and Mr. Murphy pointed out the premises to me.

10026. That is, the premises out of which he registered?—Yes.

10027. Was that in the spring of 1838, or when?—In February 1838.

10028. At the time when there was a petition going on, or expected here?—Yes.

10029. Can you tell us whether the premises that you have described laying to the right of this passage as you went in, and including the forge at the back

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which lies to the left of the door at the back door, were the premises he so pointed out?—They were; to the right.

10030. Do I understand you, the only portion of that which remains in his possession now is the forge?—Is the forge, and the small strip of yard.

10031. Was the entrance to the forge outside the door of the back premises?—Yes.

10032. What, in your judgment, is the value to let by the year of that forge and the yard?—I should think 3*l*. a year would be a very fair rent for it.

10033. By the *Committee*.] Forge and yard?—The yard is a very small one; I dare say it is not two yards wide, and about five or six long.

10034. What is the forge?—He carries on the trade of a whitesmith and locksmith.

10035. How is it constructed?—It is a very poor shed, and in a very bad state of repair; it is a shed built up against another wall; a slated shed built up against another wall, scarcely a plate of glass in it.

10036. Against the wall of the house?—Against the wall of the adjoining premises, belonging to a person of the name of Griffith.

10037. You have told us the situation of these premises, and the state of them down to the alteration which has been made; I think you say some alteration had been made in January last?—The only alteration that has been made in it since I have known it first, is that door which leads in through that hall-way into Murphy's forge.

10038. When do I understand that alteration has taken place?—In January; that was the period Murphy told me he had set the premises to Tracey.

10039. Tell me where that door was which led from the hall-way of which you speak, into the forge occupied by Murphy; whereabouts was the door of which you spoke; this new door of which you spoke, which was an entrance from the hall-way, as I understood you, into the forge?—Stood about a yard and a half from the front door, from the shop-door.

10040. Is it a door inside of the hall-way, or is it a door across it?—Across it, in the centre of it; it stops up the passage.

10041. How far from the entrance?—About a yard and a half.

10042. Then does the front door still remain?—It does.

10043. Within it; about a yard and a half within a second or inner door?—Yes.

10044. Where is the entrance into Tracey's house from that hall-way, now?—Immediately as you go in on the right.

10045. Before you come to that inner door?—Before you come to that inner door.

10046. There is the original outer door?—Yes.

10047. Then within that, now, about a yard and a half within it, there is an inner door across the door-way too?—Yes.

10048. That, as I take it, is the entrance into Murphy's present holding?—Yes.

10049. To the right of the hall-way, between these two present doors, there is an entrance also newly made?—No, not at all; that was always the entrance into Murphy's shop, which is now Tracey's.

10050. It is now the entrance into the lower part of Tracey's house?—Yes.

10051. Where is Tracey's entrance into the hall-way, into the staircase?—He could get through that door; that door is the common way out to both persons, both to Tracey and to Murphy.

10052. The hall-way still remains the common passage-way?—Decidedly; and Tracey also has a door from his parlour that is behind the passage which leads into the hall.

10053. Do I understand you, at the rear of Tracey's shop on the same floor, there is a parlour?—Yes.

10054. An entrance from the shop to the parlour, I take for granted?—Yes.

10055. And from the parlour there is again an entrance out into this common hall-way?—Yes, and an out-opening into the yard.

10056. And through the back door into the yard?—Yes.

10057. You say that Fiery was a registered voter of the borough?—He was.

10058. How long have you known him living in that place where now Murphy is, or Keogh?—I have known him seven or eight years.

10059. Had

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10059. Had he any other house that he occupied?—No other.
10060. Do you know whether, in point of fact, he was registered out of that holding?—Quite certain of it.
10061. Have you seen that map before?—Yes.
10062. Look at it again and tell us if that is a correct representation of the state of the premises?—It is.
10063. Have you known these premises well?—Very well.
10064. Is there any communication from the premises occupied by Tracey into the premises occupied by Keogh and by Murphy at present; any communication, except by means of this common hall-way and staircase?—No.
10065. Each have entrances into this separate common hall-way and staircase?—They have; Keogh lives in the shop of the house out of which Fiery registered.
10066. Fiery had both the shop and the upper part?—Yes.
10067. And the upper part which Murphy now has?—Yes.
10068. Do I understand you Murphy's occupation is now the upper part of that house which was Fiery's, and the forge?—Yes; Murphy has gone to live at the upper part of Fiery's house; and Murphy has given his own house to Tracey, with the exception of the forge.
10069. That forge being outside the house in the yard?—Yes; Murphy occupies no part of the premises out of which he registered, but that forge and the common right to go to the yard.
10070. Now, looking at that plan which you hold in your hand, am I right in supposing that the whole of the premises on the right of the hall-door in Tullow-street are the premises which were occupied by Murphy, the voter, up to January last, and are now in the occupation of Tracey since the 8th of January last?—With the exception of the forge, they are.
10071. If you attend to my question, you will see the forge is not on the right; I am asking as to the plan, now?—They are in the possession of Thomas Tracey.
10072. And were in the possession of Murphy?—And were in the possession of Murphy.
10073. Am I right in supposing that those are the premises out of which, with the addition of the forge which lies on the left hand of the back door and outer door behind, the voter registered out of?—Yes.
10074. Having told us as to the right side, are all the premises which lie to the left of that hall-door and hall-way the premises in which Fiery resided and out of which he registered?—Yes.
10075. Are those premises of Fiery's, out of which he registered, now divided between the occupation of Keogh below and Murphy, the voter, above?—Yes, decidedly.
10076. I see on the plan a door marked, a short space within the front hall-door; is that the door which you told us has been put up by Murphy in January last?—It is.
10077. Then I take it, that door was not in existence before January in this year?—I have every reason to think it was not.
10078. Do you remember its being put up?—I do not.
10079. When do you remember first seeing it?—In January.
10080. How long before had you been there?—I passed it by daily.
10081. But so as to be able to judge whether this door was there or not?—I will not swear positively it was not there before January.
10082. I am trying to ascertain your means of forming an opinion on the subject?—Murphy told me that he had set the place to Tracey on the 8th of January; that he made that alteration.
10083. Did he tell you he had made that alteration on that same 8th of January he had set the place to Tracey?—He did.
10084. Do you remember what he said at the time he told you he had set that place?—He said he had set the house he registered out of to Tracey, for 10 guineas a year, since the 8th of January.
10085. I thought you were going to add something?—And that he had made that alteration, and I took notice of that door about that period myself; about then.
10086. Then between those two doors, the outer and the inner hall-door, there is a door to the right leading to Tracey's holding?—Leading to Tracey's shop.

- Mr. *Henry Malcolmson.* 10087. Then I see there is a staircase marked further back in the house ; further along the hall-way ?—Yes.
- 27 May 1839. 10088. Is that the place where the common staircase goes up out of this common hall-way ?—To both places.
10089. I see, passing on through the house, in the yard behind on the left-hand side as you come out, a forge marked ?—Yes.
10090. Is that the place where the forge is, of which you have been speaking ?—That is the place where the small forge or yard is.
10091. Which remains in possession of Murphy ?—Yes.
10092. By the *Committee.*] On the left-hand side of the hall-way the premises are occupied in the lower floor by Keogh, and the upper part by Murphy, since January ?—Yes ; Murphy might have occupied the upper part longer.
10093. Do you know when it was Fiery quitted the premises ?—I do not.
10094. Now, you tell me that there is a door to the right as you go in, between these two doors in the passage ; there is a door to the right going into Tracey's shop ?—Yes.
10095. What was the name over that door up to the 8th of January last ?—John Murphy, locksmith.
10096. Does that name remain there ?—No, it does not.
10097. What name has been substituted for it ?—T. Tracey ; I have seen that name there ; I will not swear it was there from January ; but I have seen it in April.
10098. What trade is conducted ?—He is a publican ; T. Tracey is put over, "Licensed, &c. ;" it is either publican or licensed to sell spirits ; I will not say which ; I have seen persons drinking in his house.
10099. Now, any name over the shop-window ?—It is over the shop-window, Tracey's name is.
10100. As well as above this side door ?—What is that ?
10101. Is Tracey's name over the window ; the shop-window, as well as over the side door in the passage ?—It is Murphy's name that is 'on the side door ; on the door leading into the yard.
10102. That is not a side door ; that is across the passage ?—There is no name on the door going into the shop on the right.
10103. The name is only outside in the street ?—Yes.
10104. Is that the place where Murphy's name had originally been ?—Yes, it is.
10105. Above the inner door which lies back from the front door, whose name is placed ?—On the door-way, a brass plate, "Murphy."
10106. Do you recollect any description of what he is ?—Yes, he is a whitesmith.
10107. Is that on the plate ?—Locksmith.
10108. By the *Committee.*] Is the brass plate on the inner door crossing the hall-way ?—Yes.
10109. I think you told us the passage belonging to that inner door still remains as the common hall-way to both the houses ?—Yes.
10110. You told us Fiery registered out of the premises ; the entire of them lying to the left hand of this hall-way ?—Yes.
10111. How do you know that ?—I went to view Fiery's premises in 1838, I was pointed out the upper part of the premises by Murphy himself.
10112. By the voter himself ?—Yes.
10113. Did he point out to you the premises out of which Fiery registered ?—The premises he had set to Fiery, and out of which Fiery had registered ; Murphy had set them to Fiery.
10114. He pointed out the premises which he had set to Fiery ?—Yes.
10115. By the *Committee.*] When was this ?—In February 1838 ; I went to view Murphy's house also at the same time for the same purpose.
10116. Was Fiery there as well as Murphy ?—No, he was not.
10117. I understand you Murphy pointed out to you ?—The upper part.
10118. Do I understand you, first of all, Murphy pointed out to you the part out of which he himself had registered ?—Yes.
10119. That was the whole to the right ?—Yes.
10120. Then did he proceed to point out to you the part which he had set to Fiery

Fiery, and out of which he stated Fiery to have registered?—Yes; and Murphy was perfectly aware of the business I went there upon.

10121. At all events, Murphy stated to you that those were the premises out of which Fiery had registered?—Decidedly, and the premises out of which he registered himself he showed me.

10122. Those were both pointed out to you by the voter himself in 1838?—Yes.

10123. Does it lie within your knowledge whether Fiery did, in point of fact, occupy any other house in Tullow-street?—No, he never did.

10124. Do you know it well?—Yes; if he did, I must have known it.

10125. Have you known Fiery to be living there on the premises out of which Murphy told you Fiery had registered?—Yes; a person I conceived to be his wife; I have no doubt she is his wife.

Mr. Austin.—Do not state what she said.

[The Witness withdrew.

Adjourned till To-morrow, at Eleven o'Clock.

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GEORGE GROTE, ESQ., IN THE CHAIR.

The Names of the Members were called over—all present.

Mr. Cockburn stated he had to make a special application to the Committee. A person of the name of Edward Dowling had, on several occasions, been a witness before the Committee, and he was objected to on the part of Mr. Gisborne as a voter who had bribed and abducted voters; he (Mr. Cockburn) proposed to prove that Dowling had been tampering with Mr. Gisborne's witnesses, and that he had actually bribed some of the witnesses, to induce them to abstain from giving evidence on the part of the case relative to the abduction of Mr. Gisborne's voters.

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The *Chairman* inquired if there was any precedent.

Mr. Cockburn stated that an inquiry somewhat of a similar nature had taken place in the Shaftesbury Election Committee, but in that case the evidence was not found to substantiate the charge. The learned Counsel referred to the 9 Geo. 4, c. 22, as showing the Committee had power to examine into the charge now made.

Mr. Thesiger stated, he apprehended there would be some difficulty in the Committee interfering in this case, as it did not appear the words of the Act authorized it; he was, however, unwilling to say any thing against the present application, inasmuch as it might have an appearance of his wishing to shelter any improper proceeding. He had, however, a special application to make also, which had reference to the conduct of an Agent for the other side, whom he had been informed had gone to a woman summoned as a witness, and had stated that if she did not give certain evidence before the Committee she would not be allowed her expenses; that she had better give evidence for the party who paid her. He had also a second application to make in reference to two witnesses, of vital importance to the case of Mr. Bruen, Dr. White, and Mr. Vigers, the son of the Member for the county of Carlow. Those Witnesses were absent from Carlow, and they had been unable to serve them; they had been seen in London, and application had been made to Mr. Vigers with respect to his son, and no information could be obtained from him as to where his son was to be found, in order that he might be served with a warrant to attend. He therefore applied to the Committee to enable him, by means of evidence produced before them, to procure information as to the residence of those two persons.

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The *Chairman* stated that Mr. Thesiger's applications must be matter of separate consideration, as they were in no way connected with Mr. Cockburn's application.

Mr. *Cockburn* stated that it did not appear from Mr. Thesiger's statement that he at all connected the case of the two witnesses referred to with any of the Agents of the Petitioners; but as the statement had been made, he entreated the Committee to inquire into it. With regard to the power of the Committee to enter into the investigation of the subject-matter of his application, there could be no doubt, if the Committee had not the authority under the Act of Parliament to which he referred, they must have it as incidental to their sitting as a judicial body, and that it was a power which must be inherent in them.

Mr. *Thesiger* referred to the case of the first Ipswich Committee, where the Committee inquired into the cause of a witness not attending, in pursuance of the Speaker's warrant.

The *Chairman* inquired the specific nature of Mr. Cockburn's application.

Mr. *Cockburn* stated, his application was for leave to bring evidence before the Committee of attempts having been made by Edward Dowling, by means of bribery and other undue influence, to induce witnesses to absent themselves from coming before the Committee and giving evidence, and that with a view to the Committee making a special report to the House, or to act upon the subject in any way they might think proper.

The room was cleared.

The Committee deliberated.

Counsel and Agents were called in, and informed by the *Chairman* the Committee had resolved "That Mr. Cockburn be permitted to produce such evidence."

The *Chairman* stated, as these matters related to the conduct of the Witness, Dowling, it would be but fair that Dowling should himself be present, if he wished it.

Mr. *Cockburn* stated that he had not the least objection.

The *Chairman* stated that would suspend the order which had been made in reference to no witness being in the room.

The *Chairman* stated, the Witness, Dowling, might attend in the room if he pleased. [*Mr. Edward Dowling came into the room.*]

James Murphy called in and sworn; Examined by Mr. *Cockburn*..

James Murphy.

10126. DO you live at Carlow?— Yes, I have been living there.
10127. Were you living at Carlow at the last election?—I have.
10128. You are a shoemaker by trade?—Yes.
10129. And lived at Carlow at the last election?—Yes.
10130. Have you since come to live in London?—I have.
10131. Have you a father-in-law of the name of Gorman?—I have.
10132. Edward Gorman?—Yes.
10133. You were at Carlow at the last election?—I have.
10134. Was Gorman living at Carlow at the time of the election?—He had been in it before it commenced.
10135. Did you see any thing of him at the time of the election?—No, I have not.
10136. About three weeks since, in consequence of a communication that you had with Gorman, did you go to Edward Dowling?—No, sir, I have not.
10137. Did you go to Edward Dowling about three weeks ago?—I have.
10138. How came you to go to Edward Dowling?—He inquired to know was I in town.
10139. Was that communicated to you?—It was, sir.

10140. Were

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10140. Were you desired to go to Edward Dowling?—My father told me that he wished to see me.

10141. That Dowling wished to see you?—Yes.

10142. Did you go to see Dowling in consequence?—I did, in a week afterwards.

10143. Where did you go to?—I went down to his quarters here; to his lodgings.

10144. In this neighbourhood?—Yes.

10145. Do you remember the name of the inn or public-house?—I do.

10146. What is it?—The Boar's Head.

10147. Is that in King-street, Westminster?—I judge it is.

10148. Were there many persons there whom you knew to be witnesses for Mr. Bruen at these quarters, as you call it?—There was, sir, in the house.

10149. Did you see Dowling?—I did.

10150. Tell us what passed between you and Dowling; what did he say to you?—When he seed me he told me he was very happy to see me; I thanked him, and we went into a front room in the house.

10151. Was any body there besides?—No, not in that room.

10152. Nobody there besides you in that room?—Not that room.

10153. By Mr. *Thesiger*.] Have you been summoned here as a witness?—No, I have not.

Mr. *Thesiger* suggested the examination was not within the object of the inquiry, as Murphy was not a witness.

Mr. *Cockburn* stated, he proposed to show that this man was used as an instrument to get at the witnesses.

10154. When you went into this front room with Dowling, what did Dowling say to you?—He spoke to know what was my father-in-law's intention coming here; and different things concerning about my father-in-law.

10155. Your father-in-law's intention about what?—He did not altogether say much about him that night; he did not say any thing particular about him that present night.

10156. Did he say any thing to you that you were to say to Gorman; that night?—No, not that night.

10157. Did he offer you or give you any thing that night?—He did, sir, he gave me a sovereign.

10158. Did he say what he gave you that sovereign for?—No.

10159. I think you said Gorman was your father-in-law; have you married his daughter?—Yes.

10160. She is living now?—Yes, she is.

10161. Having given you this sovereign, did he tell you to call on him again, or what did he say to you?—He did.

10162. When?—He did not appoint any certain day.

10163. Within what period were you to call upon him?—He did not mention any particular day or hour.

10164. How soon did you call upon him again?—The third day from that.

10165. At the same place?—No, sir, at his lodgings.

10166. Where had he lodgings then?—I do not exactly know the name of the court.

10167. Do you know whereabouts the street is?—Yes, I do; at the end of Westminster Bridge.

10168. The street leading up to the bridge; on this side of the water?—No; it is a back street off the leading street; it is a court.

10169. What did he say to you when you called upon him there?—He spoke to me about my father-in-law, and different things about—

10170. That is giving me very little information when you say "different things;" what did he say?—He said my father-in-law was in a very unruly place; he lodged in a very unruly place.

10171. What else; did he tell you to do any thing, or ask you to do any thing?—He told me it would be much to my benefit if I would take my father-in-law home to my place where I stopped myself.

10172. Where do you live, Murphy?—I live in off Rosemary-lane; it is called Anchor-lane.

10173. It is near the Tower?—It is beyond the Tower.

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10174. He said it would be for your benefit?—Yes.
10175. Did he say in what respect it would be for your benefit?—No, sir, not at that present time.
10176. Did he ask you any thing about two persons, being named O'Brien and Dan Moore?—Not at that time.
10177. Did any thing further pass between you then at that time?—No.
10178. Did he give you any thing?—No, not that time, he did not.
10179. When did you see him next?—In the course of two days afterwards.
10180. Did he tell you to come again?—He did.
10181. What passed; where did you go to; his lodgings?—To his lodgings.
10182. What took place at that meeting; the third meeting?—He handed me 2s., and told me any thing I had heard particular to tell him.
10183. He gave you 2s. on that occasion?—Yes.
10184. Did he say any thing about your father-in-law?—O, spoke the same as usual about my father-in-law; to bring my father-in-law out of the lodging; out of where he was.
10185. Where was your father-in-law?—He was in at Mr. West's.
10186. Here in this neighbourhood?—Yes.
10187. Did he say how you were to do that?—To encourage him; by having influence on him by being his son-in-law and his daughter; to encourage him out of this place where he stopped.
10188. To take him where?—To where I lodged.
10189. Did he tell you you were to do that openly for people to know it, or how you were to do it?—No, he did not mention that word——
10190. He told you you were to use your influence over him and his daughter to get him away?—Yes.
10191. He told you that on that occasion, did he?—Yes.
10192. And gave you 2s.?—Yes.
10193. That was the third time you saw him?—Yes.
10194. Did he tell you to come again?—He did.
10195. When were you to come again?—He pointed no certain day.
10196. When did you go again?—I went about three days after that.
10197. What took place then?—I met him then coming from the Parliament-house here.
10198. What did he say?—We went into the Boar's Head.
10199. What took place then; what did he say to you?—He spoke to me about how was my father-in-law; did I speak to him about what he was speaking last to me about?
10200. What did you say?—I told him that it would be no use speaking to my father-in-law; that I had no way of taking him out of the place there, unless I procured a bed for him.
10201. What did he say on that?—He said, "Let that be no stoppage to you."
10202. What else did he say?—He handed me half-a-sovereign and 5s.
10203. What was that for?—To assist to get a bed.
10204. Did he tell you at any time to send your wife to him?—He did, sir.
10205. At which interview was that; you have told us of four times you saw him; at which time was it he told you to send your wife to him?—Before he gave me the 15s.
10206. At that meeting or the meeting before?—At the meeting before that.
10207. You told me it was not at the first or second meeting that he spoke to you about Dan O'Brien and Moore?—It was not.
10208. When was it he spoke to you about Edward O'Brien and Moore?—Last Wednesday.
10209. Did you see him again after he gave you the 15s.?—Yes.
10210. Where was that?—At his lodgings.
10211. How soon after?—About two days; between two and three days after.
10212. What passed at that meeting?—Why, sir, he gave me 3s.
10213. What did he say to you when he gave you the 3s.?—Axed me, what news I had heard; I told him nothing; that my father-in-law was very dissatisfied to be where he was.
10214. Well, what did he say?—He said nothing at the present; he said nothing then.
10215. Did he at any time give a letter for your father-in-law?—He did, sir.
10216. When was that?—Last Monday week, I think.

10217. What

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10217. What did he say at the time he gave you that letter?—He told me he had received a letter from Carlow.

10218. By Mr. *Wrangham*.] Is this No. 5?—It is No. 6, where he lodged.

10219. Was this at the last meeting you are talking of when he gave the letter?—No; this is the first letter I received.

10220. Was this at the same meeting when the 3*s.* was given?—No; this is the first letter I received.

10221. Was this at the same meeting when the 3*s.* was given?—No.

10222. By the *Committee*.] Does not the witness state the letter was given to him on the first time he saw Dowling; on what occasion was it Dowling gave you the letter; on the first, second, third or fourth meeting?—It was the sixth meeting I saw Dowling; he gave me the letter.

10223. The first letter?—Yes.

10224. Did he tell you where that letter came from?—He told me he received it in another letter; enclosed in another man's letter from Carlow.

10225. What did he tell you to do with the letter for your father-in-law?—To take it home; he axed me could I read.

10226. He "axed" you if you could read, and told you to take it home?—Yes.

10227. He gave you 3*s.* on that day?—Not on that day.

10228. Did he gave you any thing on that day?—He did; he gave me 5*s.*

10229. Did you see him afterwards on a subsequent day, when something passed about O'Brien and Moore?—I did.

10230. Two days after that?—Yes.

10231. What did he tell you about O'Brien and Moore?—He told me that he had received a letter for to give John O'Brien.

10232. Did he give you the letter for John O'Brien?—For Edward O'Brien.

10233. Did he tell you to give the letter to O'Brien?—He did.

10234. Did he give you any letter for Moore?—No, sir, none.

10235. Just look; is that the letter, "Mr. Edward O'Brien," on the outside?—O, I cannot say; I am no scholar.

10236. You gave the letter to O'Brien, did you?—No.

10237. What did you do with it?—I went to O'Brien's lodgings, and he was not in; I handed it over to another man who lodges in the place.

10238. Who was the man?—Thomas M'Graith.

10239. Did you ever give any other letter to Thomas M'Graith for O'Brien, but the one you received from Dowling?—No, sir, none.

10240. Did he give you any money that day?—He did, sir; 5*s.*

10241. Did he tell you what you were to do with that 5*s.*?—He did, sir.

10242. Well, what?—I was to bring out Edward O'Brien, Mick Moore, and this letter to be read openly between them all.

10243. By Mr. *Wrangham*.] Is it Mick Moore or Dan?—Dan, I am informed it is; I am not acquainted with his name.

10244. Was it one Moore, who is a witness up here?—Yes.

10245. Is there any body else of the same name; of the name of Moore?—Not that I know of.

10246. Did he tell you what the 5*s.* was to be done with?—To be drank among them.

10247. And you were to call them out, and this letter was to be read among them?—Yes.

10248. Did he say from whom the letter for Gorman was; did he say by whom it was written?—Yes; not when he gave it to me, he did not say.

10249. Did he tell you afterwards?—Yes.

10250. By whom did he say it was written?—By his son James.

10251. Did he say by whom the letter for O'Brien was written?—No, he did not.

10252. Did he tell you afterwards from whom it was?—No.

10253. By the *Committee*.] Was the letter for Gorman written by Gorman's son, James?—Yes.

10254. By the *Committee*.] Were the two letters given at the same time?—No.

10255. Did you see him again after that?—I have.

10256. What did he say to you then?—He axed me about Gorman, what was I doing; what way was he getting on; I told him, Mr. Dowling, that he was going to be called upon on a vote, and Mr. Haughton could not allow him to go up to my place until such time as that vote was examined.

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10257. What did he say upon that?—Nothing then; he said nothing.
10258. Was this the last meeting you had with him?—No, it was not.
10259. Did he give you any money then?—No, he did not.
10260. How long was this after the former meeting, when he gave you the 5*s.* to drink with Moore and O'Brien; how many days?—The last 5*s.* was 5*s.* he gave me to drink with O'Brien and Moore; was the last 5*s.*
10261. After that you saw him again, when this last conversation took place you have been speaking of?—Yes.
10262. How soon was it after you received the 5*s.* to drink with Moore and O'Brien, that you saw him on the subsequent occasion you have just been speaking of; how many days?—Thursday I got 5*s.*, and Saturday I saw him last.
10263. Was that last Saturday?—Yes.
10264. I think you say you told him about what you have just mentioned, that Mr. Haughton would not let him go to your place until he had given his evidence on that vote; did Dowling say any thing to that?—No, he did not.
10265. He did not say any thing?—He said, well, of course he could not go then; he said he could not of course go when that was the case.
10266. Any thing else?—Nothing else.
10267. Did he give you any more money?—No, sir, no.
10268. Has he given you any money since that 5*s.*?—None.
10269. Have you seen him since the Saturday?—I have not.
10270. By the *Committee*.] Which Saturday was that?—Last Saturday.
10271. Did he tell you at any time what you were to do when you were among the witnesses on the other side, or the voters of Mr. Gisborne's?—Yes; O, no, he did not.
10272. Did he not tell you you were to do or say any thing when you were among Mr. Gisborne's witnesses?—O, yes, he has; he has told me what they were confined to say.
10273. What who were confined to say?—The witnesses; Gorman and that other man that was called on that occasion.
10274. Gorman and the other man who was called on that occasion?—Yes.
10275. What did he tell you they were confined to say; say what you mean by confined?—He told me, in the first place, they were entitled to a guinea a day from the time they left home until they returned.
10276. What did he go on to say about what they were to say or not to say?—Then he told me, my father-in-law, all that he need say; he would be axed here when he was called on, and put on his oath, to know whether he was in Carlow on the last election.
10277. Well?—He will say he was.
10278. That your father-in-law was to say, he was?—Yes.
10279. Go on; what else; what else did he say he should or should not say?—He would be axed a question then; did he give his vote on the last election.
10280. Yes?—He will say not.
10281. Go on; what else?—He was axed, why did he not give it.
10282. Do I understand you to say that Dowling was stating to you what that witness would be asked, and what the witness would be bound to answer?—Just so.
10283. Now, go on; what was he to say on being asked why he did not give it?—That he left home.
10284. What next; did he say what he was to leave home; what he was to say he left home for, or on what account?—No, sir, he did not.
10285. What else did he say about the questions and answers?—He would be axed then by the counsellor, Mr. Bruen's counsellor, to insist upon him what was the reason, and he was to stop him to give no answer.
10286. Repeat that?—He would be axed what was the reason he left home; the counsellor would ax him, what was the reason he left home, and he would tell him, he was to stop there and give no more answers; he was not compelled to tell what was his reason.
10287. He was speaking of Gorman, was he, at this time?—Yes.
10288. He was telling you what questions Gorman would be asked, and what answers Gorman was to make to those questions?—Yes.
10289. Were you or were you not to communicate to Gorman what passed between you and Dowling?—I was.

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10290. You were to tell this to Gorman, were you?—Yes.

10291. At which of your meetings with Dowling was it this conversation took place when he told you the questions and answers; was it the first?—He told it me twice.

10292. He repeated it twice to you, did he?—Yes.

10293. Now, on either of the occasions when he told you about this conversation, did he give you any money?—Yes, he did.

10294. What money did he give you at either of these times?—The first time he gave me a sovereign.

10295. You have told us the other sums afterwards?—Yes.

10296. By Mr. *Wrangham*.] What were the other sums?—Two shillings was the next.

10297. You are now going over the sums of money in the order they came; on which of the occasions was it; do you remember; do you remember what money he gave you, if he gave you any, on the occasion of the conversation, when he told you the questions and answers?—I do.

10298. What was it?—At the time he told me about the time of bringing my father to the bed, he gave me 15 s.

10299. Was it at that time he talked about the 15 s. and the bed; was it then this conversation took place, or not?—It was.

10300. By Mr. *Wrangham*.] The 15 s. was the second time?—No, the third time.

10301. By the *Chairman*.] Does the witness say, on one of these occasions he gave him 15 s., and on the other nothing?—

10302. You have gone through one, two, three, four, five, six, seven meetings; do you remember at which of the meetings was it, in point of number, the conversation took place about the question and answers?—Upon the first and the third.

10303. On the first day did he give you the sovereign?—Yes.

Cross-examined by Mr. *Wrangham*.

10304. Do I understand you at the second time when he conversed with you about this man, about the evidence Gorman was to give, he gave you 15 s.?—The third time.

10305. You told us twice; he told you to tell Gorman what the evidence was he was to give twice?—Yes.

10306. He first told you that when he gave you the sovereign?—Yes.

10307. That was the first time you saw him?—Yes.

10308. Then you say the second time he told you, that was the third time you saw him?—Yes.

10309. And you state, as I understand, that he then gave you 15 s.; is that so?—Upon the third time he did.

10310. Now, you are distinct upon that?—I am.

10311. That the third time you saw him he gave you 15 s.; and that it was then that for the second time he spoke to you about the evidence Gorman was to give, having spoken to you already on the subject the first time?—Yes, it was.

10312. When did you leave Carlow; you used to live there, did you not?—I left on the 13th of April.

10313. This last 13th of April, did you?—Yes.

10314. Have you ever had any dealings with Mr. Dowling in money concerns?—I have.

10315. There was an account between you, was there not?—There was.

10316. It was not settled when you left Carlow, was it?—No.

10317. In whose favour was the balance; did Dowling owe you money, or did you owe it him?—I owe it Mr. Dowling.

10318. Do you owe it him still?—I do.

10319. Did you say any thing about that when you called on Mr. Dowling?—I excused myself for it to him.

10320. For continuing to owe it to him a little longer, aye?—No, sir; I told him the reason I did not see him before this was on account of the money being owing to him that I did not wish to see him.

10321. Was that when you first went to him?—Yes.

10322. You told him the reason you had not seen him before was you owed him the money?—Yes.

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10323. Then was it upon the subject of money you paid him that first visit ; the money you owed him ?—No, sir, it was not.

10324. You began by saying you would have seen him before, but for this money between you ?—Yes; he inquired for me a week before this, by my father-in-law.

10325. I ask you whether, when you went there, what you first said was, you would have seen him sooner, but for the debt you owed him; the money you owed him ?—Yes, I would.

10326. That is what you said, is it ?—Yes, it was.

10327. Now, did Dowling say any thing to you as to the means by which you might get the money to pay him ; to repay the debt ?—No, he did not.

10328. Do you mean to say, Mr. Murphy, that Dowling did not tell you that if you got your father-in-law to lodge with you, that you would receive so much money for the expense of your father-in-law, and that you might repay him your debt ?—No, sir, he did not.

10329. That you swear distinctly ?—I can.

10330. Nor anything to that effect ?—Not at that time.

10331. I am speaking to you generally ; did not Mr. Dowling suggest to you as the reason why you should get your father-in-law to live with you, that his expenses being paid for as a witness here, you would get the money, and might repay him the debt you owed him ?—He did not speak upon the debt ; he spoke that it would be a great assistance to me ; my father-in-law would be a great assistance to me.

10332. How was he to be a great assistance to you ?—By bringing the father-in-law to my place.

10333. How was that to be an assistance ?—Why, I would have the benefit of his lodging and his diet while he would be in my place.

10334. Then was it you stated you could not get a bed, you had no bed for him ?—Yes; the third time.

10335. Was it then you stated that you had not a bed for him ?—Yes.

10336. Now, Mr. Murphy, was it upon that he advanced you a sovereign in order to purchase a bed, or towards purchasing a bed ?—Fifteen shillings.

10337. That you are clear was upon the third time you saw him ; and you repeat that ?—The third time.

10338. I give you plenty of time ; do you mean to abide by that statement, that was the third time you received 15 s. from him ?—It was.

10339. Now, Mr. Murphy, you have stated first of all you went to Dowling when you saw him in a front room, that then you called three days after at his lodgings ; that was the second time ?—It was.

10340. Then two days after that you saw him again at the same place, that was the third time, and that three days after that you saw him again in the same place ; no, saw him at the Boar's Head ?—No; at the lodgings.

10041. You have stated you saw him three days after that coming up from the Parliament House, and went with him to the Boar's Head, that is the fourth time ; having refreshed your recollection on those matters, I ask you again whether you mean, on your oath, to abide by the answers you have given, it was at the third visit he gave you 15 s. ?—It was the third visit.

10342. The third time you saw him ?—Yes.

10343. Where was it he gave it to you ?—In the Boar's Head, up-stairs, the back parlour.

10344. And that you distinctly swear to be the third time you saw him ?—Yes, sir.

10345. I think you told us that Mr. Dowling said to you that you must not think of moving him until after he had given his evidence ?—Yes, sir.

10346. That is moving from the place where he was to your place ?—Yes.

10347. That Mr. Dowling told you ?—He did.

10348. What reason did he give you for moving Gorman from this place to your place ?—The reasons he gave me, sir, are that we would have him out of the place he was in, where they could not be imbibing any thing into his mind.

10349. Did he not say something about his imbibing something into his body at that place too ; come, Murphy, now ; did he say nothing about the habits of drinking and drunkenness he was falling into by being where he was ?—O, I do not know ; I cannot say.

10350. Did

10350. Did Dowling say so?—I cannot recollect at that time whether he did or not.

10351. Any time did he?—He did.

10352. He stated that as a reason, did he, for wanting you to get your father-in-law away, that he was imbibing drink; that he was getting into drunken habits where he was; is that so?—No, it was not.

10353. What was it? He said something about drinking as a reason for moving him?—Yes; that they were imbibing many things into his mind there. [*The Questions and Answers, No. 10349 to 10351, were read to the Witness.*]

10354. You have heard that read; is that so that he did speak to you upon that subject?—He did.

10355. Did he give you that as one reason for your getting your father-in-law away from this place?—No; he did not point that out distinctly.

10356. This was at the time when he was telling you to get him away, and get him to your own place?—It was upon one of the times.

10357. I am not asking you about any particular time; do not meet me with "not at that time;" did he, at any time, tell you that it was better your wife, Gorman's daughter, should have the benefit of the money he had as a witness, than that he should spend it in drink?—No, I do not recollect that.

10358. Just try; I think you will, presently?—No, I do not recollect that.

10359. Did Dowling tell you he had heard he was living in this way, in these drunken habits?—O, yes, he has.

10360. He told you so, has he?—Yes, he told me that he knew of it.

10361. Did he tell you who had told him?—He did not.

10362. Did he mention Mr. Haughton's name to you at this time?—No, sir, he did not.

10363. Recollect yourself; did he not tell you that he had learnt from Mr. Haughton the way in which this witness was behaving, Gorman?—Yes, he told me that Thomas Haughton gave him a great reprimanding on his drunkenness.

10364. He did mention Mr. Haughton's name in that way?—Yes.

10365. Mr. Haughton, you say, would not allow him to be moved until after he had given his evidence; that is so, is it not?—He did.

10366. Did Mr. Haughton tell you that?—No, I had no conversation with him.

10367. How came Mr. Haughton to give you orders; does he manage the witnesses?—I cannot say; I do not know any thing about that.

10368. How do you know Mr. Haughton said he could not be removed until after he had given his evidence?—Gorman told me so.

10369. Have you seen Gorman at the place where he is?—Yes, I have.

10370. You have spoken about some letters; and the first letter, I understand you, that Mr. Dowling gave you was a letter for Gorman?—Yes, it was.

10371. You cannot read, I think you tell us?—No, I cannot.

10372. Was that letter a sealed letter when he gave it into your hands?—It was.

10373. Did Gorman read that letter?—Not in my presence.

10374. Can he read?—No.

10375. Then we may take it for granted he did not read it in your absence; Gorman cannot read?—No.

10376. How did you manage to make out the contents of the letter, or did you ever make out the contents of the letter?—Yes.

10377. How did you do it?—I took it home to my wife and she read it.

10378. Who did it appear to be from?—From Gorman's wife; that was what Mr. Dowling told me.

10379. Was it so; did your wife find that was true?—She said it was not her brother's hand-writing.

10380. Is her brother *wife* to Gorman then?—O, no.

10381. I do not understand, then?—My wife and Gorman's son; this is Gorman's son.

10382. You said from Gorman's wife?—Mr. Dowling said it came from Gorman's wife.

10383. Was that when he gave you the letter?—Yes.

10384. Then your wife said it was not in her brother's handwriting?—My wife said it was not in her brother's handwriting.

10385. Do you know whose name was signed to it?—No.

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10386. Did not your wife read out the name at the bottom?—It was directed to Edward Gorman.

10387. That is not the name at the bottom; I mean the name at the end of the letter; when your wife read the letter, did she not read the name signed to it?—I cannot say that.

10388. Did she or not?—She did.

10389. And what was it?—I cannot recollect, sir; I recollect part of what was in the letter.

10390. I want to know what this particular thing was at the bottom of the letter?—I cannot say.

10391. Recollect, this letter you were told came from Gorman's wife; do you know the name of Gorman's wife?—I do.

10392. What is it?—Margaret.

10393. Margaret Gorman?—Yes.

10394. Do you mean to represent to this Committee, that your wife did not read out the signature at the end of that letter as Margaret Gorman?—I cannot bear in mind.

10395. Did you not attend to what the signature was at the bottom of the letter?—I did not.

10396. How long is this ago?—Last Monday was a week.

10397. And you cannot remember when that letter was read out what the signature was?—I cannot.

10398. Was that letter ever read to you by any body besides; was it ever read to you again by any other person?—No.

10399. Never?—No, it was not.

10400. Do you mean to say, Mr. Murphy, that you did not take that letter to Mr. Dowling, and desire him to read it to you?—Mr. Dowling told me to bring it to him.

10401. Did you take it?—Yes.

10402. Did he read it to you?—He read it himself.

10403. Did he read it aloud or to himself?—He read it out, sir.

10404. Will you be kind enough to tell me what you mean by telling me only half a minute since, you never heard that letter read again by any other person; explain that to the Committee?—I will.

10405. When was that?—The same day.

10406. Monday week?—Yes.

10407. Then he gave it you in the morning?—He did.

10408. And you took it home to your wife?—Yes.

10409. And it was the same day you showed it to Dowling?—Yes, sir, as far as I can think.

10410. You saw him twice on that day, Mr. Murphy?—Yes, I have.

10411. Which number is that of these interviews you had with him; this is the first time we have heard of this; you saw him twice on Monday week?—I did.

10412. Mr. Dowling told you; when did he tell you to bring the letter to him?—As speedy as possible.

10413. When did he tell you?—He appointed no time.

10414. When did he tell you; I do not say at what time?—He told me to go home and let that letter be read to Gorman.

10415. When was it he told you that?—When he gave me the letter.

10416. When he gave you the letter he told you what?—To go home and let Gorman hear what was in that letter.

10417. And then, what?—To come back and let him see what was in it.

10418. He read the letter aloud?—He did; he read it over.

10419. Did he read it over, and did he read it aloud?—I cannot bear in mind; but he read it.

10420. Did he read it up, if that is a more intelligible phrase?—He did.

10421. Did he read it so that you could hear it?—Yes, I heard part of it.

10422. Did he read it so that you could hear it?—Yes, I had heard part of it.

10423. Did he read it so that you could hear it?—Yes, I had.

10424. Having heard it read aloud this second time, the same day; do you mean to persist in the answer you gave, you do not remember what name was signed to it?—I do not.

10425. Is

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10425. Is that you do not remember, or that you do not mean to persist?—I do not remember what name was signed to it.

10426. There is another letter you spoke of for Edward O'Brien?—Yes.

10427. When did he give you that; at the next interview, was it?—Yes.

10428. Next to having given you the first letter for O'Gorman?—One was on Monday, and the other was on Thursday.

10429. Thursday last, is it?—Yes.

10430. He gave you a letter for Edward O'Brien?—Yes.

10431. Was that letter sealed?—It was.

10432. I think you told us that he told you Gorman need not tell the reason why he left Carlow, unless he pleased?—Yes.

10433. That he could not be compelled, or something of that sort; when Mr. Dowling told you that, had you said any thing to him about what was the usual course in courts of justice, as to parties not being obliged to convict themselves, or to say any thing against themselves?—No, sir, I do not recollect it.

10434. Now, try?—Not upon that time; I do not recollect it.

10435. This was on Thursday, you know?—Yes.

10436. Had you said to Dowling that in courts of justice in Ireland, in the Irish courts, it was not necessary; that a man could not be compelled to say any thing to prosecute himself, or words to that effect?—No, I mentioned no courts at all.

10437. What was it you said about a man not being obliged to prosecute himself?—I mentioned in the course of our meetings at one time (I do not know particularly which), that no man was obliged to prosecute himself.

10438. Was it upon that Mr. Dowling said that the witness could not be compelled to say the reason why he went away?—No, he did not mention it that time.

10439. He did not say it at that time; was it after you said that that Dowling told you this; I do not mean the same time, or at any time afterwards?—Before it; before I got the letter.

10440. Then, how came you to say the usual course was that a man should not be obliged to prosecute himself?—Mr. Dowling told me that he need not say more than that, and I told him that a man need not prosecute himself.

10441. Did you say that upon Dowling's telling you that he could not be compelled to tell the reason; aye?—Yes, upon one of them occasions.

10442. It was when he told you that that you said what you have told us now?—Yes.

10443. At the same time; immediately?—Yes, it was.

10444. Part of the same conversation, was it?—It was.

10445. How came you to tell me Mr. Dowling did not say that, as to Gorman's not being obliged to give the reason at the time when you had spoken these words?—This was another time; it was not upon that time.

10446. You have told me, now, it was part of the same conversation; now you say it was another time; which answer do you mean to abide by?—He told me at one time, when he was telling me, that Gorman was confined to say no more than that.

10447. Then, you say, you immediately, as part of the same conversation, told him that it was not the course, the usual course, for a man to be obliged to prosecute himself; that you have told me?—Not upon that time, I did not.

10448. Was it part of the same conversation, or was it not?—He was directing his conversation to me at this time.

10449. Was it part of the same conversation, or was it not; what you said and what he said about parties not being obliged to prosecute themselves?—Dowling said those words.

10450. That is no answer to my question; were those words from Dowling and the words you have given as from yourself part of the same conversation, or were they not?—Not at that time; I cannot say.

10451. I am not asking about any time; I am asking you whether the words you state Dowling to have used and the words you state yourself to have used on this subject were or were not part of the same conversation; I do not care at what time it took place?—No, I do not recollect that I said it at that time; I did in the course of meeting him on one of the occasions say that word.

10452. Was that word, whenever you said it, part of the same conversation with the words which you have stated Mr. Dowling to have used, as to his not

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being obliged to give the reason for going away ; state which it was ?—No, it was not.

10453. Now, you state it was not part of the same conversation ?—I say, on giving his evidence, that no man was not obliged to prosecute himself.

10454. Was that part of the same conversation, or was it not, with what you said ?—Yes, those words ; I have mentioned it.

10455. Was it part of the same conversation, or was it not ?—It was part of the conversation.

10456. Was it part of the same conversation, or was it not ?—It was, sir, in the course of meeting him upon some occasion.

10457. Was it in the course of the same meeting ?—It was.

10458. Now it was part ?—But not on that meeting, but in the times of meeting him ; at some of the times ; I cannot say to which time.

10459. Now, it was part of the same conversation, at all events ?—Yes.

10460. You say the conversation passed between you and Dowling as to the evidence of Gorman, your father-in-law ; did Dowling, Mr. Murphy, ever tell you to suggest, to tell your father-in-law that he should speak any thing but the truth ?—He did not, sir.

10461. Did he not on the contrary distinctly state to you that your father-in-law should take care and tell nothing but the truth ?—He told me, except my father-in-law swore perjury, he could not injure him.

10462. That is him, Dowling ?—Yes.

10463. I repeat my question again, whether he did not tell you ; whether Dowling did not tell you that when your father was on his oath that he should speak nothing but the truth, or words to that effect ?—No ; he did not say that word to me.

10464. Did he say any thing to that effect ?—He did.

10465. What ?—He said, except my father-in-law, if he declared the truth he could not injure him.

10466. That was the language that Mr. Dowling held with you at these interviews with him ?—Yes, part of it.

10467. Do you remember his using those words when he read the letter to you, when he read the letter aloud ?—I do.

10468. Then the second letter to O'Brien you gave, as I understand, to M'Graith ?—Yes.

10469. Did he tell you he had received that letter enclosed ?—He did tell me.

10470. You did not take that letter to Mr. Dowling to read ?—No, sir, I did not.

10471. So far as you know, Mr. Dowling has never seen any thing but the outside of that letter ?—Not that letter, he did not.

Re-examined by Mr. Cockburn.

10472. You have been asked whether when you left Carlow you did not leave indebted to Mr. Dowling ; how much was this debt you owed him ; what did it amount to ?—I cannot exactly say ; I have not seen it made up before.

10473. About how much ?—Upwards of a pound.

10474. How much upwards of a pound ?—I judge up as far as 30s.

10475. If I understood you on your first meeting with Dowling he gave you a sovereign ?—Yes.

10476. On your third meeting he gave you 15s. ?—Yes.

10477. And on both those occasions he told you about the questions that might be put to Gorman, your father-in-law, and the answers which he might give ?—He did.

10478. Did he tell you what Gorman was come up to speak about ; what vote it was upon, or upon what subject ?—O, he did.

10479. What did he tell you ?

Mr. Wrangham submitted this did not arise out of his cross-examination.

Mr. Cockburn submitted that it did arise out of the cross-examination.

10480. Did he at that conversation when he told you about the questions and answers, and when he told you the witness could not hurt him ; that Gorman could not hurt him ; did he tell you what vote he was up upon, or what subject ?—He did.

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10481. What did he tell you?—He axed me several times what was Gorman's intention, coming here.

10482. Did he tell you what vote; what answer did you make to him on that?—I told him I did not know.

10483. Did you tell him what Gorman had told you?—No, I never did tell Mr. Dowling what Gorman told me.

10484. Did Dowling tell you what his belief was about what Gorman had come up about?—O, he did.

10485. What did he tell you?—To come to prosecute; to give full evidence about what money he got for his going away.

10486. But from whom; what money he got from whom; did he say from whom?—No, sir.

10487. Upon that occasion did he say, if he told the truth he could not hurt him, Dowling?—He said if he gave just evidence he could not hurt him.

10488. Did he say why?—No, he did not.

10489. You have been asked whether he did not tell you when he advised you to take your father-in-law away; whether he did not tell you it would be an advantage to you?—He did.

10490. You said, he said it would benefit you by his lodging and diet; did he point out any other way?—He did.

10491. What other way?—He told me I should be handsomely rewarded, and paid well for my time.

10492. And paid well for your time; by whom; did he say who would reward you; or did he say it merely in those general terms, that you should be rewarded; do you remember?—By himself, sir, as nigh as I could understand.

10493. You understood him to be speaking in that way; it was to him you were to look for this handsome reward?—Yes.

10494. Do I understand if you got your father-in-law to lodge with you, you were to be handsomely rewarded?—Yes.

10495. And that you understood was to come from him?—Yes.

10496. One word about this letter to Gorman; you say he told you that letter was from Gorman's wife, I think you say; do you happen to know Gorman's wife cannot write?—She cannot write; I have never seen her writing.

10497. Do you know who writes her letters for her?—I do.

10498. Who?—Her son, James.

10499. Was it with reference to her son, James that your wife spoke, when she said it was not her brother's handwriting?—It was.

10500. What is your wife's christian name?—Anne.

Examined by the Committee.

10501. How much did you receive from Dowling at different times?—Fifty shillings.

10502. Do you owe Dowling any money?—Yes, sir, I have.

10503. Is this the way you pay your bills generally; getting men to pay you instead?—No; I have no objection to take money when I can get it.

10504. What did he give you all this money for?—I know what he mentioned upon some of it he gave it me for.

10505. What did he give it you all for; what did he give it you all for; it is not a common thing to pay bills in that way?—To bring my father-in-law to my place to keep him from having—from fulfilling his wishes where he was.

10506. What were his wishes?—To do—to come to give the evidence that he supposed he was come on this occasion for.

10507. He wanted you to get him away, to prevent him giving his evidence; was that it?—Yes, that was; as far as I could judge, it was.

10508. Did Dowling give you the money without your asking him for it; or did you ask him for it in the first instance?—I never axed him for any.

10509. Did you give any of this money to your father-in-law?—No, I never let him know any thing about it.

10510. He does not know at this moment you have received it?—He knows generally about it.

10511. From whom did he know that?—From me.

10512. Did your father-in-law go to your house?—No; he frequented my place; he used to come odd times to my place.

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10513. Did he leave the place in consequence of your exertions?—He did not.

10514. Did Dowling tell you you were to keep secret this conversation with him?—No, sir; he said he entrusted me with a great deal.

10515. Who was the first person to whom you told the conversations you had with Dowling?—To my wife.

10516. Did you tell them to any one else?—No, sir; at that present time—

10517. When was it you first communicated the conversation you had with Dowling to other people besides your wife?—My father-in-law was the next.

10518. Who was the next?—It was not let known until Edward O'Brien's letter, last Saturday.

10519. When were you first spoken to upon the subject by the agents; by Mr. Gisborne's agents?—Not until Saturday last.

10520. Who spoke to you then?—A man of the name of John Lennon came up to my place—

10521. He is a carpenter; is he not?—Yes—upon Friday last, and told me I was wanted down; that Mr. Tom Haughton wanted me; in consequence, I axed him what for; he said he did not know until I would come down.

10522. When did you meet Mr. Thomas Haughton?—I did not see him, sir, upon the next day at all.

10523. When did you see him?—I did not see him at all; I have seen him, but not spoken to him.

10524. Who has examined you on the subject of the conversations you have had with Dowling?—Mr. Baker's writer; I do not know his name.

10525. When did that happen?—Last Saturday morning.

10526. Where did it happen?—At Mr. Baker's; the lower part of his house.

10527. What was the nature of the conversation that happened between you and this gentleman?—I gave him no information at all about any money; I told him nothing, only just what I could not avoid at that time I came to him.

10528. Did you tell him what money you received afterwards?—Yes.

10529. Was any money offered to you for any evidence you might give?—No, sir; none.

10530. By no one?—By no one.

10531. And, except from Mr. Dowling, you have received money from no one respecting this petition?—No; only 5 s. to bear my expenses myself and my wife to-day from where I stop.

10532. Whom did you receive that from?—From Mr. Baker.

Examined by Mr. Wrangham.

10533. You saw Mr. Baker's writer at Mr. Baker's place?—Yes.

10534. Did you see Mr. Dowling after that?—I did.

10535. After you had seen Mr. Baker's writer?—Yes.

10536. His clerk you mean?—Yes.

10537. Did not Mr. Dowling say to you when you saw him on that occasion, subsequent to your having been to Mr. Baker's, "Why did you not tell the whole truth to Mr. Baker about the letters?"—No, I do not recollect that.

10538. When did you see Mr. Dowling?—Between 12 and 11 o'clock; after 11.

10539. When?—Saturday morning.

10540. Do you mean to tell the Committee you do not remember what passed on Saturday morning; as to whether Mr. Dowling did not tell you; did not say to you, "Why did you not tell the whole truth about the letters?"—No, he did not; he said he did not care about what was in the letter; he said he did not care who saw it; he said, in the last letter—

10541. I repeat the question; did not Mr. Dowling say to you, "Why did not you tell the whole truth about those letters?" or words to that effect?—I do not recollect it, sir.

10542. Can you take on yourself to say, he did not use those words, or words to that effect?—No, I cannot bear in mind he did.

10543. Can you take on yourself to swear he did not?—I cannot; I do not recollect it; I cannot recollect it.

10544. Can you take on yourself to swear he did not use those words, or words to that effect?—I cannot swear that.

Examined

Examined by Mr. Cockburn.

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10545. Are you sure you saw the writer on that day, before four o'clock; tax your recollection; Mr. Baker's writer; did you see him before four o'clock on Saturday?—Yes; I saw him on Saturday morning.

10546. What o'clock?—Early in the morning; something after nine.

10547. At the beginning you did not mention you had received the sums of money?—No, nothing about money.

10548. When did you first mention about having received the money?—Yesterday.

[The Witness withdrew.

Anne Murphy called in and sworn; Examined by Mr. Cockburn.

Anne Murphy.

10549. ARE you the wife of the last witness, James Murphy?—Yes, sir.

10550. Are you the daughter of Mr. Edward Gorman, of Carlow?—Yes.

10551. Do you know Mr. Edward Dowling?—Yes.

10552. How long have you known him?—Since I was a child.

10553. Now, about three weeks ago, did Mr. Dowling send for you?—Yes.

10554. Did you go to him?—Yes.

10555. Where did you see him?—In his lodgings.

10556. Here in this neighbourhood; near here?—Yes, it is convenient here.

10557. Had you conversation with him?—Yes.

10558. Did he say any thing to you about your father, Gorman?—He did.

10559. What did he say to you about your father, Gorman?—He said if I would take him away that he would reward me well; that was all.

10560. Take him away from where?—From where he is; where he lodges.

10561. Where were you to take him to; did he say that?—To my own place.

10562. We have heard your own place is near Tower-hill; is that so?—Yes, it is.

10563. Did he give you any thing on the occasion of that conversation?—Five shillings.

10564. Did you see him again in the course of the last week?—Yes, sir.

10565. Did he send for you then, or did you go of your own accord?—He sent for me.

10566. Did you go to his lodgings as before?—Yes, sir.

10567. Whom did he send to you?—Desired my husband to tell me.

10568. Do you remember which day of last week that was?—I cannot at this time; I cannot remember it now.

10569. Was it the beginning of the week, the middle or end of the week?—I will not say, for I cannot say now.

10570. Try to recollect, will you; to-day is Tuesday; what part of the week was it?—I think it was the early part, to the best of my opinion.

10571. Had you a conversation with him then again?—He did not detain me many minutes; he was in a hurry.

10572. Had you some conversation with him?—Yes, I had; a few words.

10573. Was that on the same subject?—Yes, the very same.

10574. Can you tell me what those few words were?—Why, how he was getting on, and had I any mind—had he any mind for to go; for me to take him away.

10575. Did he say any thing else?—I do not think he did.

10576. If you got him away, did he tell you what you were to do?—Yes, he did.

10577. Well, what?—Why he told me for to keep him away until this affair would be over, and he would reward me well.

10578. Did he tell you while you were keeping him away, what you were to do, what you were to give him, or what you were to do with him?—Yes.

10579. What?—We agreed on giving him some drink, of course.

10580. Who agreed?—Mr. Dowling and me.

10581. Agreed you were to give him drink?—Yes.

10582. Where were you to give him drink?—When I would have him in my own place.

10583. Did he tell you what your father was up here about?—Why, I knew what they were about, of course.

10584. Did he tell you; did he say any thing to you about your father's evidence; what he could say, or what he could not say?—He said that he was afraid

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of him; that he did not care; that he could do him no harm, but he did not wish to have his name mentioned.

10585. Did he say why he could do him no harm?—Why, he allowed that I knew myself, and therefore he did not mention.

10586. Did you say any thing to him?—I cannot remember.

10587. Were you in Carlow at the time of the election?—Yes, I was.

10588. Did you know of any thing; I do not ask you what; did you know of any thing that took place?—I do.

10589. Did he say any thing to you in this conversation; did he say any thing to you about why your father could hurt him, or could not hurt him; did he say why; did he mention what he had done, or had not done, at the election as a reason?—He said, that he gave him no money himself, but that it was his sister gave it him.

10590. Did he say any thing; did he say how his sister came to give him the money?—No; I knew myself.

Mr. *Thesiger* submitted the inquiry ought to be confined to whether Dowling had been tampering with the Witness or not. Dowling's vote was objected to on this ground, and that question ought not to be prejudiced.

Mr. *Cockburn* stated, he did not wish any of the evidence to affect the vote at all, but he used it to show the motive operating on the mind of Dowling.

The *Chairman* stated, the Committee would not allow inquiries to be gone into, tending to affect the vote of the party whose vote was objected to.

10591. Did Dowling give you any money on that second occasion?—No.

10592. Have you seen him since?—No.

10593. Did he tell you any thing further you were to do?—No.

10594. With respect to other people, other witnesses?—No, sir, nothing.

10595. Did you see a letter which your husband brought addressed to your father?—I did.

10596. By whom did that letter purport to be written?—Why, it seemed to me to be sent from my brother.

10597. Was it in your brother's handwriting?—When I was reading it, I did not think it was; it might be; I did not think it was my brother's handwriting.

10598. You know your brother's handwriting?—Yes, well.

10599. Was it in his handwriting?—It might be; I do not think it was.

10600. Have you seen him write?—Yes.

10601. Do not you know your brother's handwriting?—He can write different hands.

10602. What has become of that letter, do you know?—I gave it to my father to light his pipe.

10603. Was it burnt?—I cannot say.

10604. In lighting his pipe, did he burn the letter?—All I gave him was three small bits of it.

10605. What has become of the rest?—My husband when he came home it was all mangled in his pocket and spoilt; the next day when he had it in his pocket it was all mangled and spoilt.

10606. After that you gave it to your father to light the pipe?—Yes.

10607. Do you remember what the letter was about?—I do.

10608. What was it about?—Why, it consisted, on my father not injuring himself, or if he did, it would destroy himself and his family in Carlow, and not to do any thing against Mr. Dowling's interest.

Mr. *Wrangham* stated, he objected to the contents of the letter being given in evidence, not on the ground Mr. *Cockburn* was not entitled to give the contents in this way in evidence, if he would be entitled to read it, if the letter was present. Supposing he was entitled to give the letter in evidence, he would be entitled to give this secondary evidence; yet, as it appeared, that letter was given by Dowling to Murphy, who stated to him at the time he had received it in an enclosure in another letter from Carlow; and as the letter was given by Dowling to Murphy sealed, and Dowling was unaware of the contents of this letter, it could not be stated as evidence against him.

The *Chairman* stated, Dowling appeared to be connected with it in two ways; he first handed it over and then requested it to be brought back, and he read it; and without meaning to pronounce an opinion that there was any guilty cognizance of the contents, he thought there was no ground made out why the letter should not be read or stated.

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Anne Murphy recalled; Examined by Mr. Cockburn.

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10609. DO you remember any thing more?—Not at present.

10610. I understood you to say, as far as your belief goes, you believe that letter not to have been written by your brother?—Yes.

10611. By whom did it purport to be signed; whose signature was at the bottom; what is your mother's name?—Margaret Gorman.

10612. Was it Margaret Gorman, or what name was it signed at the bottom?—Indeed, it was.

10613. I understand you your brother, James, is in the habit of writing your mother's letters?—Of course he is.

10614. Is he the only child living with her?—She has 11, but he is the only one that writes; he and I.

10615. Does he write her letters?—Yes.

Cross-examined by Mr. Wrangham.

10616. And he writes several hands, as I understand you?—Yes, he can write different kinds of handwriting.

10617. When did you first mention all this you have told us?—About three weeks ago it was first.

10618. Was that the first time you mentioned it?—Yes.

10619. Whom did you first tell it to?—Which is that?

10620. Whom did you first tell this conversation to; you have been telling us a long story about some conversation with Mr. Dowling, have you ever told that story before?—Before?

10621. Before you came into this room; have you ever told it to any body else?—Yes.

10622. Whom to?—I forget the gentleman's name; this morning.

10623. Is this morning the first time you have ever told it to any body?—I suppose I have been speaking of it to my husband.

10624. Is it the first time you have told it to any body but your husband?—Yes, it was.

10625. This morning was?—Yes.

10626. Where was it?—It was in Mr. Baker's place.

10627. Did you never tell it to any body before you told it in Mr. Baker's place?—No.

10628. Are you quite sure of that?—Why, I am; I had no one to converse with about it.

10629. How came you to go to Mr. Baker's place?—I was brought there this morning.

10630. How came you to go?—One of the men where my father stops brought me up there.

10631. Do you remember his name?—Mr. Lennon.

10632. The carpenter?—Yes.

10633. What did Mr. Lennon say to you when he brought you there?—He did not say any thing to me; I went into the parlour.

10634. Do you mean to say Lennon did not talk to you?—I do not remember any thing particular the man said to me.

10635. Whether particular or not, do you mean to say Lennon did not talk to you, and talk to you upon this subject too?—On which subject?

10636. About these conversations with Dowling?—No; I do not think he did.

10637. Come, Mrs. Murphy, tell us the truth; did not Lennon talk to you on the subject of what you were coming to say here?—Not a word about it; we walked as quick as possible, and he walked in with me.

10638. You are quite sure he did not talk to you about it?—I am, indeed.

10639. Why did you tell me, a minute since, you thought he did not?—I have remembered since.

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10640. How came Lennon to be the person to take you, do you know?—I cannot tell the reason of that.

10641. Where did he take you from; did he come to your place?—No; from where my father stops he brought me up.

10642. Why did you go to that place where your father stops?—I was sent for.

10643. Who was it sent for you?—My father came last night; yesterday evening rather.

10644. Did he tell you to go up to this place?—Yes.

10645. Did your father say nothing to you?—Why, no, he did not; he said I was wanting.

10646. Do you mean to say your father did not tell you what you were wanted for; come, come; do you mean to say that?—I do not think he knew what I was wanted for until I was questioned.

10647. Can you tell me whether your father did not tell you what you were wanted for, and speak to you about it when he came?—No, sir; he said it was about the letter; that he thought it was about the letter that it was allowed my mother sent.

10648. He told you that?—Yes.

10649. Was that all he told you?—That is all.

10650. Did not he tell you what you would have to say?—No, sir.

10651. Lennon brought you down; did Lennon say nothing about why he was to bring you down?—No.

10652. Did he come and take you out of the house without speaking to you?—I was in the place where my father stops, and he desired me to come with him, and I went as quick as possible; "Come with me," he says, "up to Mr. Baker's place," and I went with him.

10653. How came you first of all to go to Dowling's; to his lodgings?—He desired my husband to send me.

10654. At all events, your husband desired you to go?—Yes.

10655. What is your husband, Mrs. Murphy?—He is a shoemaker.

10656. Was he at work any of these days when you went to Dowling's?—Yes, he was; I left him at work, at all events.

10657. Was that the reason why you went instead of your husband?—No, sir, it was not.

10658. We hear your husband owed something to Dowling?—Yes, he did, indeed.

10659. Do you know how much it was?—I really do not know.

10660. Have you never heard your husband say?—I know we owed him about 10s., something above a pound; positively what we owed him I cannot say exactly.

10661. When you went to Dowling, and he talked to you about your getting your father away from this place, did he say any thing of its being for your benefit to have him stay with you instead of spending his money elsewhere?—He did.

10662. Was that the ground on which he advised you to take him away; was that the cause why he advised you to take him away, that you would have the benefit of his expenses, instead of the money being spent elsewhere?—That was part of it.

10663. Did he speak to you of the drunken life your father was leading at this place where the witnesses stopped?—Yes, he did.

10664. Did he advise you to take him away in order to save him from that sort of life?—O, he knew he would never drop that while he lived; it was no use.

10665. That is no answer to my question; did Mr. Dowling, or did he not, give that as one reason for your taking him away, that he was falling into such drunken habits there?—No, sir.

10666. Did he never say any thing to you of that kind?—Not that I can remember.

10667. How came he to talk to you about his having fallen into drunken habits, then?—I cannot say the reason of it, because he had more opportunities of seeing him than what I had; I was too far from him.

10668. Do you mean he merely stated to you your father had fallen into drunken habits there, and did not state that as a reason for your removing him?—No, sir; he said, sir, that if I would take him away, I might as well have the benefit of him as the place where he was.

10669. And

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10669. And did he then, at that time, tell you he had fallen into drunken habits where he was?—Not that I can remember.

10670. Then when was that?—Not that I can remember.

10671. Then when was it; because you have told us he did say that to you; when was it he said it to you?—The last time I was speaking to him about it was last week.

10672. Did he speak to you then about the drunken habits your father had fallen into there?—He was not three minutes or four with me at that time, because he was in a hurry.

10673. Did he or did he not state to you that your father had fallen into drunken habits where he was?—Why, I do not doubt he did; but I do not remember; it is no use my saying he did or did not, when I cannot say. [*The Question and Answer, No. 10663, were read to the Witness.*]

10674. You have heard the answer read; now, you say you do not remember whether he said so or not; which of the answers is the true one; did he speak to you, and do you recollect it, or do you not recollect it; you have told me both?—I do not recollect it.

10675. Then I understand you to say Dowling said that your father could do him no harm?—Yes.

10676. And he did not say why that was?—He said, that he could do him no harm, but he did not wish his name to be mentioned.

10677. How came your husband to go to Dowling first of all?—He sent for him.

10678. Whom did he send?—He desired my father to tell him that he wanted him.

10679. Is your father here?—Here?

10680. Yes.—Yes, he is.

Re-examined by Mr. Cockburn.

10681. You say that he held out to you the benefit that you would derive from having your father lodge with you as part of the inducement for taking him away?—Yes.

10682. What was the other part; what else did he mention to you as a reason why you should get your father away to your place?—He said that I might as well have the benefit that was by him as any person else.

10683. You say that was part of the inducement he held out, what was the other part; what did he say would happen to you if you took your father to your place; what other advantage were you to get from him?—Why, sir, that I would be something better.

10684. In what way were you to be something the better; from whom was that to proceed; what were you to get by which you were to be the better of it?—It was not mentioned.

10685. Did he say what would be done for you, or what any one else would do for you, if you did so?—No.

10686. Was any thing said about reward; was there any reward; just attend to me; did he hold out any promise to you of any kind if you took your father away?—No, nothing but that I would be rewarded; there was no mention of any thing.

10687. You have said something about his having said something about your father having fallen into drunken habits; you say your father was an elector at Carlow?—Yes.

10688. You were there at the time of the election?—Yes.

10689. Did he get any drunken habits then?—How so?

10690. I think you told me he said you were to give your father drink when he was with you; what sort of drink, and what quantity?—We did not mention any thing about what quantity.

10691. What did he say about the drink?—

Mr. *Wrangham* objected to the question, as not arising out of the cross-examination.

Mr. *Cockburn* was heard to support his right to put the question.

The *Chairman* suggested this question ought to have been put in examination.

Mr. *Cockburn* stated he would not press the examination.

Anne Murphy.

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Examined by the *Committee*.

10692. Did Dowling desire you to give the witness drink when he came to your house?—Why, sir, I said the only way that there could be any good got from my father was to give him drink; he said, it was no matter what the expense would be, I should be paid for it.

10693. Did he say that he would pay; did Mr. Dowling tell you that he would pay the expense of whatever drink you supplied your father?—He said I would be paid for it.

10694. He did not say by whom?—No.

[The Witness withdrew.]

Thomas M'Graith called in and sworn; Examined by Mr. Cockburn.

Thomas M'Graith.

10695. DO you know a man of the name of James Murphy?—I do.

10696. A shoemaker?—I do.

10697. Did you receive any letter from him; look at the outside of it; did you receive a letter so addressed, in that hand writing, from him, to give to O'Brien?—[*Handing a Letter.*]—I think this is it.

10698. To the best of your belief, is that the letter?—To the best of my belief, that is the letter; I read it for him.

10699. Look at the letter, and say if that is the letter?—[*The Witness read it.*]—That is it.

10700. It is the same letter?—Yes, it is.

Mr. Cockburn proposed to read the letter.

Mr. *Thesiger* objected to the reception of the letter, as not being proved sufficiently to be connected with Dowling.

Mr. *Austin* was heard to support his right to have the letter read.

Mr. *Wrangham* was heard in reply.

The *Chairman* stated, "The Committee are of opinion the letter may be put in and read."

[*The Letter was as follows:—*]

Dear Edward,

Carlow, 16 May 1839.

I HOPE this letter will find you in good health, as I am at present; the children are all well, and I have all the potatoes sowed, and every thing is going on well with us; but there is a horrible report in Carlow that you are the only informer that is among the boys, but of all things don't come home with that degraded name. The moment the children goes out they are told that their father is gone to inform; so mind and don't have that title, for me,

Your affectionate wife,

To Mr. Edward O'Brien.

(signed) *Margaret O'Brien.*

Thomas M'Graith recalled; Examined by Mr. *Thesiger*.

Thomas M'Graith.

10701. DO you happen to know the handwriting of Mrs. O'Brien?—No, sir.

10702. Then, you do not know whether this is in her handwriting or not?—No.

Examined by the *Committee*.

10703. Are you positive this is the same letter Mr. Dowling gave you?—Mr. Dowling gave me no letter.

10704. Are you positive that this is the same letter that Murphy gave to you?—To the best of my knowledge, it is.

10705. Is there any particular mark on it?—The writing, I know it.

10706. Did you ever see that writing before?—Not to my knowledge, I never did.

10707. Are the contents of the letter which you read to O'Brien, are they the same as the contents of that letter?—The same.

10708. Who was present when this letter was opened?—I think there was another person in the room.

10709. What was his name?—I think his name was a man by the name of Basford or Prandy, I do not know which.

10710. And was Moore present?—I cannot recollect.
 10711. Had you any thing to drink when this letter was read?—Not a drop.
 10712. Had you after it was read?—No.

Thomas M'Graith.

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[The Witness withdrew.]

Edward O'Brien called in and sworn; Examined by Mr. *Austin*.

10713. CAN you write?—No.
 10714. Can you read?—No, I am no scholar.
 10715. Can your wife write?—She can.
 10716. Can she write well or ill, or how?—Middling, to the best of my knowledge; middling.
 10717. Does she know that you cannot read?—She does.
 10718. Did she ever write a letter to you in her life?—Never.
 10719. Either before or after you have been married?—No, never.
 10720. Have you ever seen any of her writing?—I have seen her writing.
 10721. Perhaps you have seen her write?—I did.
 10722. Do you know her writing?—Not being a scholar I could not say that I would know her writing, but I partly give a guess to her writing.
 10723. Look at that paper; did you ever see that paper before—[*handing the Letter signed Margaret O'Brien to the Witness*]—I think I have seen it before, to the best of my knowledge.
 10724. When did you see it?—When it was handed to me by Mr. M'Graith; I think this is it.
 10725. Can you tell the Committee at all whether you have any opinion whether that is your wife's handwriting or not?—I think it is not, sir.
 10726. Why do you think it is not?—I think I would give some idea to her writing, and I think to the best of my knowledge.
 10727. And you think that is not?—I think it is not.
 10728. Did you ever see her sign her name; did you ever see her write her name?—No, I did not.
 10729. How often may you have seen her write?—I have seen her write often; but I do not know if she put her name to it.

Edward O'Brien.

Cross-examined by Mr. *Thesiger*.

10730. So you have seen her write?—Yes.
 10731. What did you see her write; how came you to see her?—I could not but see her write, when I saw her writing for other people in the house.
 10732. It must have been interesting to you, as you could not read writing?—It was no interest; I took a delight in it.
 10733. You took a delight in seeing her make her pothooks?—Yes; either she or the children; I like to see her writing.
 10734. Were you looking over your wife while she was writing?—Sometimes I looked and other times I did not.
 10735. The times you did look; you were looking over her shoulder while she was writing?—I might look at it, but I would not know what she was writing.
 10736. You had not the remotest idea what she was writing?—No, I had not.
 10737. Could you tell me whether she was writing letters or whether she was writing figures?—She told me she was writing letters.
 10738. Never mind that; without she told you, you would not have known?—I have seen the girls coming to her to write letters for them, and neighbours that could not write themselves.
 10739. She was useful in writing letters for persons who could not?—She was a woman of a little learning.
 10740. She was in the habit of writing letters for people?—O, she could write.
 10741. And never wrote to you?—Never wrote to me in her lifetime.
 10742. How long have you been married?—I believe I am married fourteen or fifteen years, I do not know which.
 10743. Have you ever been away from home?—Yes; I have been from home before I was married to her.
 10744. Afterwards, since that time?—I have been a little time from home, but very short.

Edward O'Brien. 10745. She could bear your absence without writing to you during the time?
—Yes.

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10747. As near as you can?—I think I am very close upon; I think I am three weeks in this city.

10748. And how long at the west end?—I do not know; I speak——

10749. How long have you been away from home?—I think I am about four or five days before that; I cannot tell exactly to the time; I am a man of not good understanding.

10750. You may have a very good understanding although it is not cultivated; you can remember as long as a month or five weeks, perhaps?—I tell the truth, as far as I understand.

10751. Have you been away from home a month?—Close upon it; it wants something of it, I think.

Examined by *Mr. Austin.*

10752. You do not think you have been away a month?—No; to the best of my knowledge I was not away a month.

[The Witness withdrew.

Mr. Austin stated the letter was dated the 16th of May, and the signature Margaret O'Brien was worth comparing with the signature of Edward O'Brien outside.

The *Chairman* stated it had not escaped the attention of the Committee.

Edward Gorman called in and sworn; Examined by *Mr. Cockburn.*

Edward Gorman.

10753. ARE you a voter of Carlow?—Yes.

10754. Are you up here as a witness?—Yes.

10755. On this inquiry before the Committee?—Yes.

10756. Did you vote at the last election?—No.

10757. You are up here as a witness?—Yes.

10758. Do you know a person of the name of Murphy?—Yes.

10759. James Murphy?—Yes.

10760. He is your son-in-law, I believe?—Yes.

10761. Do you know Mr. Edward Dowling?—Yes.

10762. Have you seen Mr. Dowling since you have been in town?—Yes, sir.

10763. Did Mr. Dowling desire you to send Murphy to him?—Yes, sir.

10764. When was that?—Shortly after I came to London.

10765. When did you come to London?—I have not got the day of the month down.

10766. About how long ago; was it two, three weeks or a month ago?—Between two and three weeks.

10767. He desired you to send Murphy?—Yes.

10768. Did you send Murphy to him?—Yes; I told Murphy to call on Mr. Dowling.

Cross-examined by *Mr. Wrangham.*

10769. You say Mr. Dowling, as I understand you, told you to tell Murphy to come to him?—Yes; he allowed me to tell my son.

10770. How did he come to allow you to send your son-in-law to him?—I was passing him by; he asked me, did I see my son-in-law; I told him I did not.

10771. Where was that?—In London here; convenient to the House of Commons.

10772. Did you tell him that your son-in-law was living in London?—No, but Mr. Dowling told me first; he asked me, did I see my son-in-law, and I said not; he said he was in town; I was only lately come over from Ireland.

10773. Did Mr. Dowling say to you your son-in-law had been in town "before Gorman;" were those the words he used?—That he was in town; I did not know my son-in-law was in London or in Dublin.

10774. You used the words, "before Gorman"?—That is my name.

10775. Did he use the name "before Gorman"?—That is my name.

10776. Do you remember when you first came to London?—Yes, sir, I do.

10777. How

10777. How long ago is it?—I think that is about the date of the month.

Edward Gorman.

10778. Can you read?—No.—[*The Witness handed a paper to the learned Counsel.*]

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Mr. Wrangham, reading.] “Edward Gorman left Carlow May the 4th; arrived in London May the 7th, 1839. Cash received since I came to London—[*The Witness went and took the paper away.*]—Sundries, by Mr. Lennon, 1 l.”

10779. Why did you take that away from me?—Because I allow you are a gentleman, and that you would not look over small accounts.

10780. Is that a small account between you and Mr. Lennon?—One of them.

10781. One of your small accounts?—Yes. ■

10782. There are several, are there?—Yes; but I have no idea in letting you see any more of them.

10783. You have several small accounts with Lennon, have you?—According as I require some cash to purchase tobacco—I smoke—I call upon him.

10784. Do you drink at all?—Yes, sir, I do.

10785. Lennon finds you in cash for smoking and drinking, does he?—I did not say for drinking.

10786. Does he?—No, he does not.

10787. Who does?—I do not trouble him for cash to smoke; I find it myself.

—[*The Witness produced some money, and shook it in his hand.*]

10788. Do you never lose yourself?—I—no, not to my knowledge.

[*The Witness withdrew.*]

[Adjourned till To-morrow, at Eleven o’Clock.]

Mercurii, 29^o die Maii, 1839.

GEORGE GROTE, ESQ., IN THE CHAIR.

The Names of the Members were called over—all present.

CASE RELATIVE TO THE CONDUCT OF EDWARD DOWLING RESUMED.

The *Chairman* inquired whether Mr. Thesiger desired to continue the cross-examination of Gorman.

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Mr. *Thesiger* stated he apprehended the Counsel upon either side ought not to interfere with the matter, but that the inquiry ought to be conducted by the Committee alone.

The *Chairman* wished to know, Mr. Cockburn having concluded his case upon the subject of his application, whether the Counsel for Mr. Bruen had any evidence to offer to rebut that case.

Mr. *Thesiger* stated he did not propose to offer evidence nor to interfere in the matter, as he did not conceive it had any reference to the parties for whom he appeared; but suggested to the Committee the propriety of Mr. Dowling being inquired of whether he had any statement he would wish to make upon the subject.

The *Chairman* said he had to inform Mr. Dowling that the Committee were willing to hear any circumstances he might have to state in the way of explanation, if he thought fit to make any, and that they were quite willing to hear any evidence which he might wish to call to rebut what was alleged against him.

Mr. *Cockburn* suggested any statement should be on oath which Mr. Dowling thought proper to make.

Mr. *Thesiger* submitted that as Dowling stood in the position of an accused party, his statement should not be upon oath.

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The *Chairman* stated, the Committee thought the statement should not be made upon oath.

Mr. *Cockburn* suggested the statement should not be taken down, as it would not be evidence.

The *Chairman* stated it would be taken down as the statement of the voter, but not as evidence.

Mr. *Dowling*.—I really, Mr. Chairman, feel very awkward in this affair, not having any person to defend me as a witness, with the exception of one or two that were slightly brought into it. I must remark, with regard to part of Gorman's evidence yesterday, he stated the first intimation he received of his son-in-law's being in London was from me; and that I say is utterly untrue, quite untrue; it was him that first told me that his son-in-law was in London; he stated to me that he wanted to see me, but that he was ashamed to do so having left Ireland, owing me some money. I mentioned to him that that made no matter. Last Sunday fortnight I was at Moorfields chapel; Murphy swore it was three weeks ago since he saw me; it is not more than 10 or 12 days ago.

The *Committee*.—Since he first saw you?

Mr. *Dowling*.—Since he first saw me. He stated on that occasion that he saw me at that chapel, and that he was ashamed to come to speak to me.

The *Committee*.—It was Murphy that saw you?

Mr. *Dowling*.—Murphy; he said so; I was told by the two gentlemen with whom I lodge, that he very often came to my lodgings looking for me; and one of the gentlemen handed me this document, in order that I might find out where he lodged; and when I received this document I threw it under the grate, stating, that I had no business of his'n, or words to that effect, when one of the gentlemen took it up and said, "This may be of importance to you yet."

The *Committee*.—What is the document?

Mr. *Dowling*.—It is his address—[*handing in a paper with Murphy's address, "Blue Anchor-lane."*—I must observe to you, Gorman does not write, and that has Gorman's name at the bottom of it.

The *Committee*.—This is Gorman's name at the bottom, "Edward Gorman."

Mr. *Dowling*.—The first place I saw Murphy was in King-street; I was taking a glass of punch at a tavern there, and he and Gorman came in; Murphy had me called out, and when I came out, I found Gorman drunk; I asked Murphy what he wanted, he told me that he came to apologize; father, he said, would come to see me, and then he apologized for leaving Ireland without paying me what he owed me. I said that made no matter, as I always considered him an honest man; he told me he wanted to speak to me, and he brought me into an inner room; Gorman wanted to come in, and as he was so drunk I would not allow him. He then complained to me of the life that Gorman was leading in London; that he was repeatedly drunk, and that he was ruining his health; those were the very words that he made use of, injuring his health, and stated, he was more like a prisoner at the public-house than a witness. I asked him how he was getting on in London in his trade; he is a shoemaker; he said he was a very short time in London, and he was going on but middling; he then questioned me as to what witnesses should get for coming over from Ireland.

The *Committee*.—He questioned you?

Mr. *Dowling*.—He did; he told me that I understand that they were to receive 1*l.* beside their expenses, coming and going.

The *Committee*.—A pound a day?

Mr. *Dowling*.—Yes; I advised him to take his father-in-law home to his own house; that it would be more proper for his daughter to take charge of him than to have him where he was; he stated he would, but that

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that he had no accommodation for him; and I desired him to ask Mr. Baker for some money, and of course he would have no objection to give it to him; he stated that he was ashamed to do so until he would have him at his lodgings, until he would take Gorman home to his house at his lodgings. Most of his conversation that evening was partly on the same subject, entirely on the same subject. The next evening, I believe about two days after, he called on me; I must observe here, that on that evening, the first evening I met him, telling me that he would prepare a place for him, but that he was poor, and upon that occasion I lent him a sovereign. His wife called on me the day afterwards, at my lodgings; I asked her how she found them out, and she stated that her husband showed her the house. I asked her why he did not come in; I think it is what she told me, that he went down to take care of her father, who was ill after the night before; she stated that her husband did not go home that morning until about four o'clock.

The *Committee*.—That Murphy did not?

Mr. *Dowling*.—Yes, sir; she asked me, did I give him any money? I told her I did, and mentioned the sum.

The *Committee*.—You said you lent it; it was not given.

Mr. *Dowling*.—Yes, sir.

The *Committee*.—That was the sovereign.

Mr. *Dowling*.—Yes; she then told me that the sovereign was taken from him by the owner of some public-house that they were in, and that Murphy went to look for it; she talked a good deal about the folly of her father drinking, and that he was injuring himself very much, and leading a very bad life; she requested of me to speak to him, and I told her I would do no such thing; she requested of me to speak to him to advise him to drop drinking, and when I told her I would not, she asked me what she would do; I desired her to go to Mr. Baker, and to ask liberty from him to take Gorman home. She had the same conversation with regard to expense that her husband had, and I gave her the very same explanation, and told her that any thing that Gorman could save, it would be much better for them to keep it for his family, as they were poor, than to be drinking it in London. That was the principal; I do not recollect any further conversation I had with her; I am positive I had no other conversation with her upon that subject.

The *Committee*.—Was that the only occasion on which you saw her?

Mr. *Dowling*.—I saw her two or three times after that; she came to the house two or three times after that; about two days after that, Murphy called again.

Mr. *Thesiger* suggested, the Committee would probably suggest matters that required explanation to Dowling.

Mr. *Dowling*.—About two days afterwards he called on me at my lodgings, and stated that his father-in-law was ill-used; he was keeping his bed, and that was it not for that he would remove him; he had a similar conversation with regard to his father-in-law drinking that he had before with me, merely complaining he was badly treated at the public-house he used; every time he complained of that, and said that they were treating him badly; that was upon the second occasion, merely a repetition of the first conversation; and upon this occasion, I must remark, that when he spoke of his father-in-law, Gorman, living with them, he inquired of me how he could send the money home to the family, the money that he would have saved; I mentioned to him, that if he would ask Mr. Baker he would tell him, and that Mr. Baker would send it for him to Carlow; I mentioned also he might get a letter of credit for it. A few days after that he met me in the street here abroad, somewhere outside the house; he told me he wanted to speak to me, and he came up to my lodgings, and in going home I told him I had a letter for his father-in-law, and when he came in I gave him the letter—told him how I received it—that I got it in a letter from my sister; he wanted to remain; he seemed anxious to stop, and I told him I was going to dine, and that

I could

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I could not remain; this was after four o'clock, the day after he brought me down the letter; and I must observe that I heard him swear he brought it to me the day I gave it to him; that was not true; it was the day after he brought it to me. I read the letter for him, and when I read the letter he stated thus: "Ay!" said he, "them were the very words my mother-in-law made use of before he left Ireland, as Gorman told me so." He told me on that occasion that he was changing his residence; he was going to live to some place about the Tower; I do not know the name of the place, but he said it was convenient to the Tower. He made the same complaint of his father-in-law drinking, leading a bad life, and all that, and appeared that day in a great fright lest the other party, he said, should see him coming to my lodgings; I told him he need not care about that; I did not care; and I stated to him, I did not care if half the witnesses were in the room listening to what I have stated to him; said I, "You know I am not saying any thing to you improper;" "Certainly not," said he, and he talked on this occasion with regard to his father-in-law coming over to make a fool of himself, as he said; I asked, "In what way?" and he said, "I suppose," says he, "about his going away from the elections." He asked me, "What was father-in-law to do?" Gorman; I told him, sir, that when he would be sworn, to tell the truth and nothing else, and not to perjure himself for either party; he called on me the day after; either a day or two after that he called on me again, where I was dining; he called on me where I dined; he called me out on the lobby, and I requested of him to deliver to a man of the name of O'Brien a letter I received; I told him my reason for not giving it myself, and the reason was simply this: that about two days before that, Mr. Baker and Mr. Thomas Haughton called on me, and charged me with going to the lodgings of the witnesses, and, as he stated, tampering with them; he mentioned the lodging-house in Spring Gardens; I asked Mr. Baker who told him; Mr. Baker stated, that the man who kept the public-house told him; there were a great number of Mr. Baker's witnesses standing on one side, and I called one of them over, without my replying to Mr. Baker at all, and asked him, in Mr. Baker's presence, how often was I in their lodgings; a man of the name of John Lennon came forward, and stated to Mr. Baker that I never was there but once; I asked him what brought me there, and he told Mr. Baker that I went there for a cloak that one of the witnesses brought me from Ireland; I asked him, was I ever in the house before or since; and he said, certainly not; Mr. Baker is here, and can contradict me if I am telling what is not true.

Mr. Cockburn.—Mr. Baker is not here.

Mr. Dowling.—I wish he was; I asked them in the presence of Mr. Baker, "Did I ever speak to them about a petition or about the election since they came to London?" John Lennon said, "Certainly not;" "You see now, Mr. Baker," said I, "that you have been wrongly informed;" and I mentioned that I despised such a thing as tampering with witnesses, as he charged me with. I gave that as my reason to Murphy for not delivering the letter to O'Brien on Saturday morning last; Murphy again called at my lodgings to tell me that he had delivered the letter to a man named Thomas M'Graith.

The Committee.—This was on Saturday last?

Mr. Dowling.—Yes; he stated he could not see O'Brien; he seemed anxious to remain, and I was in a hurry, as I was upon two other days that he called on me, to go and dine, as the person I was to dine with was waiting for me, and I left him; I told him I was in a hurry; on Monday morning last he called again.

The Committee.—Murphy called again?

Mr. Dowling.—Yes; a Mr. Young met me outside of the house, and told us that Murphy was looking for me and seemed to be in a very great fright. Will I be allowed to state what Young mentioned to me was told to him by Murphy?

The Chairman.—State any thing to the Committee you think fit.

Mr.

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Mr. Dowling.—Young told me Murphy stated that Mr. Baker had sent for him, and questioned him about the letter; he then told me where I would find Murphy in Bridge-street, that is convenient to my lodgings. I went over and found him there; I wanted him to tell me what he had to say in the street, and he would not; he said he should go to my lodgings with me, as he might be seen, he said, by the other party. He told me that Mr. Baker sent for him; that a man named John Lennon, and a man named Murphy, a servant, drove up in a cab to his house, and told him that Mr. Baker wanted to see him; he stated that Mr. Baker questioned him as to whether he received a letter or any letter from me; he told me that he said he did not. I told him he was very wrong in that, that he should have told Mr. Baker the truth, that he did receive two letters, one for his father-in-law, and the other for O'Brien. He said, Mr. Baker asked him a great many queer questions, as to whether I promised him any money or any reward. "Well," said I, "what did you tell him?" "I told him, of course," said he, "that you did not." I then mentioned that I did not care if Mr. Baker was present at all the conversations that took place between Murphy and me; that what I told him about his father was for his good, and that I am sure Mr. Baker would give him the same advice. I heard Murphy's wife yesterday stated that I directed her to give her father drink; I never gave her such directions, but, on the contrary, I begged of her to take her father home, and to keep him sober; that was my advice on all occasions, and whatever money was to be saved, of course it would be for the benefit of her family; I state that, most positively. She stated, also, that I offered her a reward; I never done such a thing; and the statement I have made, I have not the least hesitation in proving to the veracity of it. I never saw Murphy or the wife since, until I did here; Mr. Young will prove how he repeatedly came to my lodgings. I was not ten minutes at any time in his company, nor never held a conversation with him with regard to the testimony his father-in-law would give. I have nothing further to state, sir; there was no one present at those conversations, and I feel, of course, very awkwardly circumstanced. Mr. Johnston one day he came in; the man, I did not ask him to stop; Mr. Stanley Johnston, who lives in the same house with me, requested him to sit down; I wanted Johnston to remain while he was with me.

The Committee.—From whom did you receive the letter for O'Brien?

Mr. Dowling.—From my sister.

The Committee.—Did you receive it by the post?

Mr. Dowling.—I did.

The Committee.—Did you pay the postage of the letter?

Mr. Dowling.—It was from Mr. Francis Bruen I received it.

The Committee.—It appears rather extraordinary that the letters from the Petitioner's witnesses should come addressed to the sitting Member's.

Mr. Dowling.—It is not extraordinary, and I will tell you why those persons are very often at my—

The Committee.—And letters of that character.

Mr. Dowling.—I do not know the character of one of the letters; but I know one; I read the letter of Gorman, but I knew nothing of the contents of the other.

The Committee.—Mr. Bruen handed it to you?

Mr. Dowling.—He handed me both the letters; when I read the letter for Murphy, I stated to him, said I, "That is your brother-in-law's handwriting, I think;" "So my wife says," said he; "He writes an elegant hand," said I.

The Committee.—Is there any connexion whatever between yours and Murphy's family?

Mr. Dowling.—O, not the slightest; only Murphy dealt a good deal with me for the last three or four years; not the least.

The Committee.—You stated, Mr. Dowling, you had seen Mrs. Murphy on more than one occasion?

Mr. Dowling.—I saw her on two occasions.

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The *Committee*.—The first occasion was what; the morning after you had seen her husband?

Mr. *Dowling*.—Yes.

The *Committee*.—And when you told her to go Mr. Baker's?

Mr. *Dowling*.—Yes.

The *Committee*.—When was the next occasion you saw her?

Mr. *Dowling*.—I think it was two or three days after.

The *Committee*.—Was any thing mentioned?

Mr. *Dowling*.—Nothing more; the conversation was general, and something similar to the first conversation. The conversations I had with her on all occasions were something like what I first stated; she complained to me of the life that her father was living, and that he was injuring his health, and all that; and was most anxious to get him up to her house to lodge.

The *Committee*.—Had you known those people at Carlow?

Mr. *Dowling*.—I had known them many years.

The *Committee*.—Did you give Mrs. Murphy any money?

Mr. *Dowling*.—I did.

The *Committee*.—How much?

Mr. *Dowling*.—I think it was 4*s.* or 5*s.*; I think it was 5*s.*

The *Committee*.—Was that on the first or second interview?

Mr. *Dowling*.—The first interview; she complained of Murphy having drank half a crown that she gave him the night before, and left a sovereign at the public-house; she seemed to say she had no money.

The *Chairman*.—If there are any questions put to you, Mr. Dowling, that you are unwilling to answer, it is at your option whether you choose to reply to them or not.

Mr. *Dowling*.—I have not the slightest objection to answer any questions, because I will tell the truth.

Mr. *Cockburn* stated he wished to found an application to the Committee upon the evidence adduced.

The *Chairman* stated, the Committee having heard the evidence adduced in support of Mr. Cockburn's application, and having heard the statement of Mr. Dowling, would consider of their determination without hearing speeches from Counsel.

The room was cleared.

The Committee deliberated.

The Counsel and Agents were called in; Mr. Dowling was ordered to be in attendance, and he attended accordingly.

The *Chairman*.—The Committee have resolved as follows:—"That it is the opinion of this Committee that the conduct of Edward Dowling, in holding communication with Witnesses now in London upon the summons of the Petitioners, and in giving money to Murphy under the circumstance stated in evidence, has been highly unbecoming and suspicious: but that no sufficient proof has been brought of acts directly tending either to keep back evidence or to procure false evidence to induce the Committee to make a Special Report to The House. That the Committee highly disapprove of all interference by the Agents or Witnesses of either of the parties now before them with the Witnesses of the other party."

CASE OF JOHN MURPHY'S VOTE RESUMED.

Mr.
Henry Malcolmson.

Mr. *Henry Malcolmson* called in and sworn; Cross-examined by Mr. *Austin*.

10789. YOU are a medical gentleman?—Yes.

10790. Are you the proprietor of the "Carlow Sentinel"? I thought you were?—You thought right.

10791. O, you are both?—Yes.

10792. Your brother is a surgeon too?—Yes; he is a medical man.

10793. Let us see whether we cannot clear up this account of John Murphy's house; the house is in Tullow-street?—Yes.

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10794. As you go in there is a room on the right hand, and one on the left?—
As you go into it there is a shop on the right.

10795. And another on the left?—No.

10796. Is there not another on the left?—No; it is a partition.

10797. What do you mean by a partition?—A partition between a shop.

10798. As you go into the house there is a shop on the right-hand side, and another shop on the left, is there not?—Yes; the shop on the left is separated by a partition.

10799. As you go into the hall there is a shop on the right-hand side, and a shop on the left?—Yes.

10800. Is there an outer door to that hall communicating with the street?—There is.

10801. Then, as I understand you, when you get through that outer door, communicating with the street, you now come to another door built across the passage way?—You do.

10802. And that door has been built by Murphy?—Yes.

10803. Is that so?—Yes.

10804. And on that door there is Murphy's name on the brass plate?—Yes.

10805. Before you get to that second door with the brass plate upon it; is there a door-way into the shop, on the right-hand side?—There is.

10806. And none into the shop on the left?—No; there is a partition; a wall; no communication from that passage.

10807. Now, then, behind the shop on the right, which is now Tracey's, is there a room?—There is.

10808. Does this room communicate with the shop?—It does.

10809. By a door?—By a door.

10810. Does it also communicate with the hall after you pass the second door with Murphy's name upon it?—It does.

10811. By a door on the right-hand side?—Yes.

10812. Go on the other side of the way, formerly Fiery's, now Keogh's; there is a shop on the left hand as you enter, but no communication until you get through the first door?—There is a shop, now belonging to Keogh, that you walk into out of the street; quite distinct from the premises you are now talking of.

10813. Attend to my question, and not be thinking of your own view of the case; that shop is on the left-hand side as you go into the hall?—Yes, it is.

10814. Is there any communication after you get through the second door in the hall, between the further part of the hall and that shop?—No.

10815. Now, just go to the end of that hall; go quite down, through the second door, to the end of the hall; there is a communication with the parlour behind Tracey's shop, but none with any room behind Fiery's shop?—There is a stairs-way.

10816. Is there any communication?—Not with the shop.

10817. Is there any communication with that hall and Fiery's shop?—Not except through the street.

10818. There is none through the hall?—None through the hall.

10819. Is there any communication between that hall and the room behind Fiery's shop?—No.

10820. None at all?—None whatever.

10821. By the *Committee*.] Does the witness state there is no communication between the hall and the room behind Fiery's shop?—Yes.

10822. There is a communication between Tracey's shop and the outer hall?—Yes.

10823. Between the room behind Tracey's shop and the inner hall?—Yes.

10824. But no communication whatever from the hall to Fiery's shop, or the apartments behind Fiery's shop?—Yes.

10825. Now, when you go the whole length of the hall, you come into the yard, do you not?—Yes.

10826. Then there is the forge on the left-hand side?—Yes.

10827. I see you have put down in your plan there is a dust-hole at the bottom of the yard?—Yes.

10828. Before we go further, just tell me whether you have observed the outer door of the hall into the street?—I did.

10829. Murphy, we understand, is a smith?—Yes.

10830. A locksmith?—Yes.

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10831. Are there not the initials of his name J. M. on the outer door?—No; I never saw them, nor do I believe they are.

10832. Did you ever observe two cross-keys on the outer door?—I did, on the side of the door.

10833. Two cross-keys in that fashion [*describing*]?—Yes; and “Murphy, Locksmith,” on that plate.

10834. By the *Committee*.] The door crossing the passage?—No, on the outside door; that is some time past; I have not seen it latterly.

10835. By Mr. *Wrangham*.] On the door-post?—Yes.

10836. Upon which is it, the door or the post?—The door-post; not on the door, on the door-post.

10837. Do you mean to say on the door-post on the side of the door, or over the door?—On the side of the door.

10838. And not over the door?—Not over the door; I recollect seeing a tin plate with a cross-keys on it, with Murphy, locksmith, as well as I remember; that is the name I seen on it some time past.

10839. Just recollect whether you have ever seen over the door that part of the frame over the door; whether you have ever seen the cross-keys and J. M. upon it?—No, I never recollect seeing it; I have seen Murphy’s name over the facere board; it may be called the sign-board, over the shop-window.

10840. Over what shop-window?—Murphy’s former shop-window.

10841. Which was that; was that Tracey’s shop?—Now occupied by Tracey.

10842. At the bottom of the inner hall there is a staircase, is there not?—Not exactly at the bottom of it.

10843. Before you come to the bottom, on the right-hand side?—On the left-hand side; the staircase is nearly opposite the entrance from Tracey’s parlour or room.

10844. Then that staircase leads up-stairs, does it?—Yes.

10845. Have you been up-stairs?—I have.

10846. When?—Frequently.

10847. When were you up-stairs last?—I was up-stairs there 12th of May last.

10848. Was Murphy there?—He was.

10849. I believe he has lodgers, has he not?—I do not know.

10850. Did you ever see any?—No.

10851. When I say Murphy was there, I mean up-stairs; did you see him up-stairs?—I saw him in one of the rooms formerly occupied by Fiery.

10852. Up-stairs?—Yes.

10853. Now, then, I think I distinctly understand you that Fiery, that the two rooms below, now Keogh’s, once Fiery’s, are completely distinct from all the rest of the building you have been describing?—Yes.

10854. That is the way you describe it?—Yes.

10855. There are three or four rooms up-stairs, are there not?—Two in Fiery’s part; in the part that is designated as Fiery’s.

10856. Be so good as to answer my question; there are three or four rooms up-stairs, are there not; are there not three or four rooms up-stairs, when you go up that staircase?—There is, on both sides of the staircase.

10857. Are there not three or four; I do not care how many sides?—There are.

10858. Are they all upon one story?—No.

10859. How many upon the first story?—One on Fiery’s, and two, I believe, on Murphy’s.

10860. Three on that first story?—Yes, and two; one on either side on the last story.

10861. That makes five rooms up-stairs?—Yes.

10862. All those rooms being either above Tracey’s part or Keogh’s part?—Yes.

10863. Taking away Keogh’s part, the shop and the room behind on the ground-floor, and Tracey’s shop and the room behind on the ground-floor; do you understand me; taking away those four rooms, be so good as to tell the *Committee* what, in your opinion, is the annual value of the entire rest of the premises; the two halls, the yard and forge, and the rooms up-stairs; do you understand me?—I do, but I am not prepared to put a value on them now.

10864. Will you be so good as to tell the *Committee* whether that is not worth 10 l. a year?—Do you mean the lower; will you repeat the question?

10865. Take

10865. Take away from all the premises you have been describing; Keogh's shop and the room behind it on the ground-floor; Fiery's shop, and the room behind that on the ground-floor?—You mean the upper part of the place?

10866. Every thing you have been describing, with the forge, is worth 10*l.* a year?—I should think it is so.

10867. Have you any doubt it is worth 15*l.*?—I should imagine it is worth 10*l.* on a rough calculation.

10868. Have you any doubt it is worth 15*l.* a year?—I certainly would not give 15*l.* a year for it; for the upper part of the premises.

10869. I do not ask what you would give; what is it worth; I do not ask the upper part of the premises; I ask not only the upper part of the premises?—Including the yard and forge?

10870. Yes.—I would not give 15*l.* for that.

10871. Do you include the forge?—Yes.

10872. Would you give 13*l.* for them?—I think 10*l.* would be a fair value.

10873. Would you give 13*l.*?—I would not; you have taken two of the best parts of the premises; the two shops.

10874. The question is what they would let for; what they would let for; do you mean to say they would not let for 13*l.* a year?—I think it would be difficult to set them without the shop.

10875. Would they set for 13*l.* a year; they are set now without the shops; you know it?—I think not, because, as I stated, it would not be easy to set the upper part of those premises.

10876. You know they are now set without the shops; would they be worth 13*l.* a year; would you undertake to say they are not?—I would not, nor will I undertake to say they are.

10877. That is excluding the room behind Tracey's shop?—Yes.

10878. Tell me what would be the fair value for Tracey's shop and the room behind that?—Tracey's shop and the room behind it?

10879. Yes.—I dare say about 5*l.* or 6*l.* a year; it is in rather a good situation.

10880. By Mr. *Wrangham*.] Tracey's shop and parlour?—Yes.

10881. Taking the entire buildings, with the exception of Keogh's shop and the room behind that; with the exception of Keogh's shop and room behind that, taking the entire building, would they not be fairly let at 20*l.* a year, including Tracey's shop and room behind that?—The entire building with the shop occupied by Keogh?

10882. The shop and room behind it?—No, I think not; if I was to offer a rent for the whole premises, I should consider 20*l.* a fair rent for the entire, even including Keogh's shop.

10883. What is Keogh's shop worth and the room behind that?—I valued Keogh's shop and the apartment behind it and the upper part—

10884. Do attend; my question is this; what is the value of Keogh's shop and the room behind that, which is a separate part of the premises?—I certainly think 5*l.* would be a fair value for that.

10885. That is about the sum you put on Tracey's shop on the other side?—Tracey's I said 5*l.* or 6*l.*; I would not give more than 5*l.* for Keogh's.

10886. Keogh's is not worth so much by a pound?—I think so.

10887. Five pounds and six pounds; and the other you would not undertake to say would not let for 13*l.*—Yes.

10888. You say you have been up-stairs?—Yes, frequently.

10889. If you have been there frequently, perhaps you know there is a room over Tracey's shop?—I do.

10890. What sort of a room is that?—It is a room about the size of the shop below.

10891. What is it used for?—A bed-room; I have seen Murphy repeatedly in it.

10892. Do not you know it is Murphy's dining-room?—I know it is not now, if I am to believe what Mr. Murphy himself says, and what Tracey told me.

10893. Do not you know it is Murphy's dining-room; now do not tell me what you have been hearing?—I know it is not.

10894. Tell me what you have seen yourself?—I tell you what I have seen; I have seen Murphy, when he lived there, sleeping in that room; I have visited him repeatedly in that room.

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10895. What is the room behind that; up-stairs; on the same floor?—It is another small room.

10896. Is that a sleeping-room too?—Yes, I think it is.

10897. What is the room on the other side of the staircase?—That is the room Murphy now has as a dining-room.

10898. Murphy uses that as a dining-room, does he?—Yes.

10899. And are the other rooms above sleeping-rooms?—No; I do not know what use they are converted to.

10900. Have you ever been there?—I have; I do not know now what they are converted to.

10901. Do you know a man of the name of Wooigan?—Hooligan.

10902. Do you not know it is let to a man whose name you have now pronounced?—I do not.

10903. What is that man?—I believe he is a schoolmaster; his name is very familiar to me.

10904. Do you not know Hooligan is a tenant of Murphy's?—I do not.

10905. Do you know he is in the room?—No, I do not.

10906. In neither of the rooms up-stairs?—No.

10907. Do you know he is in the house at all?—No, I do not; I asked Mr. Murphy particularly.

10908. We have had plenty of your conversation with Mr. Murphy; when was it you had these conversations with Mr. Murphy; tell me that, will you?—On the 12th of May.

10909. On the 12th of May last?—Yes.

10910. Now, the petition was going on then, was it not?—It seems so.

10911. The ballot had taken place?—Yes.

Mr. *Austin*.—I am told the Committee have decided conversations after the ballot are not admissible.

The *Chairman* stated that was so.

10912. Had you any conversation with him before the 13th of April?—No.

10913. Had you any conversation with him before the 30th of April?—No.

10914. I understood you to say you had no conversation with Murphy before the 30th of April?—No.

10915. Have all these conversations you have been talking about, have they taken place since the 30th of April?—I was talking of but one, and that took place on the 12th of May.

Examined by Mr. *Wrangham*.

10916. That is the conversation you have been talking about to my friend to-day?—Yes.

10917. I am asking if it was the conversation my friend has been talking about?—Yes; I mean all the conversation I have been talking about with respect to this gentleman.

Examined by Mr. *Austin*.

10918. Have you had other conversations with him, then?—I had, in 1838.

10919. You had no conversation with him since 1838, except the one which has taken place since the 30th of April?—Not respecting the value of his premises or the value of other premises.

10920. The other conversation was before the other petition?—Before it was tried.

10921. For the purpose of getting evidence, was it not?—Were they not for the purpose of getting evidence to enable you to give evidence on the Committee?—Decidedly.

10922. Did you not go to him for the purpose of getting out from him evidence with respect to his vote?—I went to examine his house, and I met him casually there.

10923. Did you not ask those questions for the purpose of getting evidence to attack his vote?—Decidedly, to inform my mind on the subject.

10924. To break his vote?—In order to inform my mind to give fair and impartial testimony.

10925. With

10925. With a view to break his vote?—Not at all; when I saw his premises I formed in my own mind he had fair and reasonable value, and I did not take any note of his premises; he was one of the persons I had down in my note-book to value his premises, and I found he had the value; conceived so, and I could not have asked him any thing then with a tendency to break his vote.

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10926. When did Tracey come; on the 8th of last January?—If honourable Members will permit me to tell what Murphy told me, I can say—

10927. Do you know when he came?—No.

10928. Had you seen him there before last January?—I will not swear positively that I did; I have seen him there some time.

10929. Had you seen him there before the last election petition in 1838?—I will not swear positively I did.

10930. Have you any doubt he was not there until after the petition?—I have no doubt but he was there in January.

10931. That is not my question; I ask you whether you have any doubt Tracey was not there when the last election petition was tried?—I am sure he was there.

10932. What year?—This year.

10933. I am talking of the last election, not this?—I am sure he was not there then; not in 1838.

Examined by Mr. Wrangham.

10934. You went in 1838 to value this house?—Yes.

10935. By the *Committee*.] Tracey was not in the house at all in 1838?—No.

10936. You went to value this house for the purpose of giving evidence on the former petition in 1838?—I did.

10937. Was it at that time that Murphy showed you the respective premises: out of which he and Fiery had registered?—On that occasion.

10938. You were then of opinion, I believe, that Murphy had sufficient value?—I was.

10939. Was it your opinion that Fiery's house was of sufficient value also?—No, it was not.

10940. That is taking from the foundation to the roof?—Yes.

10941. Do you abide by that opinion now?—I do.

10942. I need hardly ask you whether, in your opinion, the rooms over Fiery's shop and parlour are of greatly insufficient value to confer the franchise; taking the upper rooms of the house?—Will you repeat that again?

10943. You have said the shop and parlour are worth, in your judgment, 5 *l.*?—Yes.

10944. What then, in your judgment, is the value of that which is now Murphy's dining-room; the room immediately over the shop and parlour, and the two rooms or the one room above that, together with the forge; taking in the forge and those two rooms, what do you think is the value of that to set by the year?—I valued the forge at 3 *l.*

10945. Tell me what you value those two upper rooms above Fiery's shop and parlour?—They are small; I think 3 *l.* more would be a value for them by the year.

10946. Take those two rooms and the forge at 6 *l.* a year?—Yes.

10947. You think that would be a fair value for them?—Yes.

10948. By the *Committee*.] You are now speaking of the value of the room above Fiery's shop, and the room above that, and the forge, collectively?—Yes.

10949. By the *Committee*.] Every thing over Fiery's shop and parlour is worth 3 *l.* a year?—Yes.

10950. I think you told me this inner door had been made early in last January?—Yes.

10951. The inner cross-door, as we call it?—Yes.

10952. Was it at that time the name of Tracey appeared over the side door or over the window?—At that time I perceived it.

10953. In the place where Murphy's name had been?—Yes; it was subsequent to the making of that cross hall-door I saw the name of Tracey over the shop window.

10954. By Mr. Cockburn.] Where did you see the name?—The door-way I saw in January, but the name of Tracey I did not see until subsequently to that.

10955. The cross-door within you saw before?—I took down the words, as well as I recollect, on the 24th of April; the words that were on Tracey's window; I can swear to that positively.

400 MINUTES OF EVIDENCE *taken before* SELECT COMMITTEE

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10956. Have you been in the habit of visiting the house since that inner door was made?—Yes, frequently; not inside; I have not been in the habit of visiting inside frequently; I have been in it twice since that.

10957. Can you describe to the Committee whether you found—whether that inner door was fastened in any way?—No, I walked into it just as I could walk into any other door, without any interruption; I went into it late in the evening and went into it early in the morning, with a brass handle.

10958. Did you observe any lock or fastening upon it?—No, I did not.

10959. The inner door had no lock upon it?—No.

10960. As far as you observed?—No; and if it was on it I think I must have observed it.

10961. And you found no obstruction at the inner door; did you find any at the outer door?—No; the outer door was open in the day-time.

10962. Have you had occasion to go there in the night-time?—Yes; I went there in the night-time.

10963. Was that the outer door; tell me first, when did you happen to go there in the night-time?—The 11th of May.

10964. This May?—Yes.

10965. Did you find the outer door fastened or not at the time you went there?—It was opened.

10966. Do you mean by opened, it was laid back?—I mean it was standing open; it was not after the hour that the shops were shut.

10967. It was standing open, however?—Yes.

10968. By the *Committee*.] You said something about a brass handle on the inner cross-door; what sort of a handle was it?—It was a brass handle, and you opened it with a latch.

10969. Looking at the plan—looking at that part which is marked as Fiery's shop, at the rear of that shop I see the staircase is marked?—Yes.

10970. And it is there situated?—Yes.

10971. At the rear of the shop I see a door-way marked?—At the rear of Fiery's shop?

10972. Yes.—That mark is for the staircase.

10973. Is there a door-way on the ground-floor there or not?—There is a small door-way at the back of Fiery's shop leading to a small apartment in the rear of it.

10974. Is there any door-way either from that small apartment in the rear of it, or from the shop which opens upon the common hall-way or upon the stairs?—No.

10975. There is not?—There is not.

10976. Then the only mode of communication between that lower apartment of Fiery's and the upper apartments which he occupied with them, was by going out of the shop-door and in at the street-door?—Decidedly; that is the only way.

10977. Then so along the common hall-way you have described to the common stairs?—Yes; up what was the common hall-way and up the common staircase, and that was the way the house was situated when both registered.

10978. That was the situation of the thing when Fiery and Murphy both registered?—Yes.

10979. Do you recollect whether they registered at the same assizes?—Yes, they did.

10980. By the *Committee*.] The witness did tell us the premises out of which Fiery registered and out of which Murphy registered?—Yes.—

Mr. *Wrangham* stated, the premises on the left-hand side of the common hall-way were Fiery's up to the roof, and the whole premises equally up to the roof on the right-hand side were Murphy's.

—Adding the forge and yard.

10981. I understand you now; Tracey is in the occupation of all that which Murphy registered out of, except the forge and yard?—Yes, decidedly.

10982. Keogh is in occupation of the shop and parlour which Fiery had?—I believe so; I will not swear positively that Keogh is the name of the person; it is occupied by some one.

10983. Not by Murphy?—Not by Murphy.

10984. And

10984. And Murphy's occupation is now the upper part of Fiery's former occupation, and the forge?—Yes, quite so.

10985. By the *Committee*.] Who did you say had the rooms above Tracey's shop and parlour?—Murphy, formerly.

10986. By the *Committee*.] But now?—Tracey now holds them.

10987. By the *Committee*.] Tracey has now the premises, all the way up?—Yes.

10988. Do you know that fact of your own knowledge?—Tracey told me so, and so did Murphy.

10989. By Mr. *Cockburn*.] Did not Murphy tell you that since the 12th of May?—Yes, it was.

10990. Was that when you were on the premises?—Yes; I went to the premises on the 24th of April with Mr. Wilson, but I did not go into the house at that time, and I had no conversation with Mr. Murphy; I believe Mr. Wilson had.

10991. Did you see Murphy on the premises?—I did, and Tracey.

10992. Did you tell Murphy what you were there for?—I did.

10993. Tell me, ay or no; I do not want to lead you; did he or did he not point out to you any part of these premises?—He stood on the staircase, and pointed out particularly.

10994. What did he point out to you?—He pointed out the premises he had set to Tracey, and he pointed out the premises he retained himself.

10995. What were the premises that he pointed out to you as having been set by him to Tracey?—The shop and parlour, and the rooms over them.

10996. Up to the roof?—Up to the roof.

10997. What were the rooms he pointed out to you as having been taken by himself?—The room that we had seen him in, and we were talking to him, and the room over it.

10998. Was that the dining-room, over Fiery's shop and parlour, and the room up above it?—Up to the roof.

10999. That is what you told us was worth 3 *l.* a year, with the forge, 6 *l.*?—Yes; that exactly accorded with what Murphy told me about a year ago.

11000. By Mr. *Cockburn*.] Did he tell you he had let it to Tracey then?—He did not, with regard to the division of the houses.

11001. Tracey, you said, was a publican?—Yes; I have seen his name up licensed.

11002. Hooligan is a schoolmaster?—I believe he is; I have never seen him teaching school.

11003. You disclaim all further knowledge of him?—Yes.

11004. He has no connexion whatever with the house, as far as you know?—None in the world.

11005. He does not teach, then?—I do not know.

11006. By Mr. *Cockburn*, through the *Committee*.] At the time the voter pointed out this part of the premises, did the voter at that time know he was coming about his vote?—I really think the man did, for he was very anxious to communicate every thing very fairly, and without hiding any thing.

11007. You believe the man did know you had come about his vote?—Yes.

Examined by the *Committee*.

11008. Tell me if the rooms above stairs that are occupied by Murphy and the forge are connected in any way, or must you go through separate passages to get at them?—The forge is out in the rear; you get at the forge through the common hall-way; as you go out of the forge there is a staircase, you go up, and you get at the rooms now occupied by Murphy, but formerly occupied by Fiery.

11009. What business does Tracey carry on?—A publican.

11010. Has Tracey got a license?—I believe he has; I have seen persons coming out of that place after refreshing themselves.

11011. Does he sell beer?—Beer and spirits; I have seen them coming out through that common door, the side door.

11012. Is there a sign over the door?—There is.

11013. What?—His name.

11014. What is his name?—"T. Tracey, licensed to sell spirits," &c.

11015. No sign?—No hanging sign.

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11016. By Mr. Cockburn.] Do you not know Tracey did not get his license until the middle of April?—I believe it is lately he has got it.

11017. By Mr. Cockburn.] Do you believe it was in April?—I believe so; I have a belief of it.

11018. By Mr. Wrangham.] Do you know it of your own knowledge?—Certainly not.

11019. What are the dimensions of this house, of these rooms; did you measure them at all?—Yes, I did; Fiery's house was 12 feet in front.

11020. Outside measurement?—Outside measurement, in the street, and Murphy's shop was about the same; I did not measure Murphy's shop, I was satisfied he had the franchise.

11021. When you speak of Murphy's shop, do you speak of what is now occupied by Tracey?—Exactly.

11022. Fiery's house is 12 feet in front, outside measurement, I understood you?—Yes.

11023. Do you know the depth of it; the width of it?—No, I did not take it; I think the shop is about square.

[The Witness withdrew.

Mr. George Wilson called in and sworn; Examined by Mr. Wrangham.

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11024. ARE you a resident in Carlow?—Not exactly in the town, in Graigue; it is in the borough of Carlow.

11025. By the Committee.] What are you?—I feed cattle; I am a grazier, and I am concerned in a tan-yard, too.

11026. Do you know John Murphy's concerns in Tullow-street?—I do.

11027. Do you remember having occasion to visit them in the course of last year, early in last year?—I did.

11028. Was that in the month of February?—In the month of February 1838.

11029. Was that with a view to inform yourself of their value, with a view to giving evidence before a Committee of the House of Commons?—It was.

11030. Now, sir, when you went there, what premises did you find John Murphy in possession of, the occupation of?—The house that Tracey occupies now.

11031. Have you seen that plan [*handing a Plan to the Witness*]?—I did.

11032. Is that, so far as you can form a judgment on looking at it, a correct view of the situation of these premises?—I think it is.

11033. Which are the premises appearing upon that plan which Murphy was in possession of last February twelvemonth, and which you state Tracey to be in possession of now?—This one which is marked Tracey's part.

11034. The part on the right hand of the passage?—Yes.

11035. Was he in the occupation of the whole of that from the foundation to the roof?—He was.

11036. All the rooms?—He was.

11037. Who was in possession of the other house lying to the left?—A man by the name of Fiery at that time.

11038. Had Fiery the whole of that house equally from the foundation to the roof?—He had.

11039. Did you observe any forge on any part of the premises?—There was at the back of Fiery's house.

11040. Was there a back door at the further end of the passage?—There was just going into the yard.

11041. Was the forge inside that back door or outside it?—Outside it.

11042. In the yard?—Yes.

11043. Turning to your left as you went out?—Yes, just as you went out.

11044. Murphy, I believe, was a whitesmith, was he?—He was and is.

11045. At that time whose name was over the shop-door on the right hand as you went in; over the shop-door or window?—Murphy's name; John Murphy.

11046. Over the door or over the window?—It was over the window part.

11047. Do you remember any name, or any initials, or any sign upon the door-post of the door?—There was something hanging on tin, you know, to show that that was Murphy's place.

11048. Do you recollect what it was?—It was cross-keys upon it; it was cross-keys on it.

11049. By

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11049. By the *Committee*.] Cross-keys were on the door-posts of the street-door?—Yes.

11050. Was that street-door fastened?—It was not in the day-time, when I was there; it was not fastened when I was there; it was left open when I called.

11051. You never saw it otherwise than when it was opened?—I never saw it otherwise; every time I passed it was open.

11052. Did you find Murphy there at that time?—I did.

11053. Did he point out to you the premises out of which he and Fiery respectively had registered?—He did; he told me he registered out of the place which Tracey now holds.

11054. He pointed out to you the premises out of which he had registered himself, and those out of which Fiery had registered?—Yes.

11055. By the *Committee*.] This was in February 1838?—It was.

11056. Was what he said to you in accordance with what you have told the Committee as to the extent of the premises?—Exactly.

11057. Your visit was with a view to the petition of last year; have you since that time visited them for the purpose of informing yourself, so as to be able to give evidence on the petition before this Committee?—I have.

11058. When did you go?—It was on the 24th of April last.

11059. Did any body go with you on that occasion?—Mr. Malcolmson.

11060. I believe he did not go in with you?—He did not go in with me that time.

11061. Did you go in on that occasion?—I did; I went into the forge, too; he was in the forge.

11062. Who was?—Murphy was; he was at work in the forge.

11063. Who did you find in the occupation of the premises which on your previous visit in February twelvemonth had been in the occupation of Murphy?—A man by the name of Tracey, Tom Tracey.

11064. Is he a publican?—He is.

11065. What does he deal in besides, do you know?—I believe nothing else at present.

11066. Has he dealt in any thing else on those premises?—Before he got the license he sold leather.

11067. How do you know he sold leather?—I saw people going in and out buying; I was talking to him at the door.

11068. When have you seen people going in and out buying leather in this shop?—It was either in the latter end of January, or the beginning of February last.

11069. Have you had any dealings with him with respect to leather, as you are a tanner?—Yes, we do, we have sold; it is his brother, I think, buys the leather for him.—

11069.* By Mr. Cockburn.] Do not say what you think.—It is the brother.

11070. Have you supplied leather?—Not in that house.

11071. By the *Committee*.] Where were they buying leather?—I saw people going in and out.

11072. Have you any doubt Tracey was in the occupation of these premises in the month of January?—I have no doubt whatever.

11073. When you met with Murphy in the forge, did you have any conversation with him on the subject of your visit?—I had.

11074. Will you tell the Committee what that conversation was?—I asked him, "Had he his house set?" and he said, "That he had it set to Tracey."

11075. Did he state to you what house he had set to Tracey?—His own house, that he occupied heretofore.

11076. Did he tell you for what he had let it?—He told me, he had let it for 10 guineas a year, and Tracey told me the same thing.

11077. Did he tell you at what time he had put Tracey in possession of it?—He told me he gave it to him on the 8th of January last.

11078. Did he tell you whether he had reserved any part of his original premises?—Yes; he told me he had not reserved any part but the forge.

11079. Now, at this time, on the 24th of April, do you know what premises were in the possession and occupation of Murphy?—He was in possession of a room, or I believe two rooms, in Fiery's house.

11080. Were those up-stairs, or on the ground-floor?—Up-stairs.

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11081. Do you remember who was in possession of the ground-floor in Fiery's house; there was a shop and a little room behind?—There are people by the name of Keogh who live there; I am not sure of the name.

11082. Some person, not Murphy?—Not Murphy; they sell bonnets; bonnet-makers, I think.

11083. Did Murphy tell you any thing relative to this house of Fiery's, or his occupation of any part of it?—He told me he occupied a room or two in Fiery's house; the house that Fiery held; he is the landlord; he was the landlord or is the landlord of both; and I heard that Fiery, you know, was ejected.

11084. Did he tell you so?—No, he did not.

11085. Did he say any thing to you as to the time when he had got possession of Fiery's house?—He did not.

11086. By the *Committee*.] Who is the landlord of both?—Murphy.

11087. Now, when you go into the front or street-door, is there a passage or hall-way that leads you through the house?—There is.

11088. Does that go right through the house?—It goes right through the house.

11089. To the back door, outside of which is the forge?—Exactly.

11090. Is there a staircase leading out of the hall-way?—There is.

11091. Now, do you know, Mr. Wilson, from Murphy, or do you know it of your own knowledge in any other way, that that passage and staircase were common to the inhabitants of those two houses?—There is no other way to get up into the upper part of the house but the one staircase.

11092. There is no other way to get up to the upper part of either of the two houses, is there?—No.

11093. Within the street-door and across this passage is there any other door now?—There is a cross-door just when you pass the door leading into Tracey's shop.

11094. The door leading into Tracey's shop being on the right hand?—Yes, just withinside the outer door.

11095. Then there is a door in front of you?—Yes.

11096. How far do you think that is within the mouth of this passage?—I think a yard and a half or two yards.

11097. Is there any name on that door?—Murphy's name, with a brass plate.

11098. Any description of his trade on that door?—"John Murphy, Engraver," I think.

11099. Is it "Engraver"?—Something in that way.

11100. There is a description of his trade?—Yes.

11101. As well as his name?—Yes.

11102. Do you know how long the inner door has been there?—It never was there until he set the place to Tracey.

11103. The inner door?—The inner door.

11104. Now, this was on the 24th of April, I think?—Yes, it was.

11105. Have you visited these premises again since that time?—I did.

11106. When was that?—On the 12th of the present month.

11107. Did you find Murphy there then?—I found him in his room, over Fiery's part, in Fiery's house, in the room; he was there eating his breakfast.

11108. You saw him in that room over Fiery's shop, eating his breakfast?—Yes.

11109. Did that appear to be his living-room?—It did.

11110. Now, then, taking that room in which you found him eating his breakfast, and the room over it, which you tell me was occupied by him also, and the forge, what should you say was the fair and reasonable value of those joint premises to set by the year; the two rooms above Fiery's, and the forge?—I think it would be worth altogether about 6*l.* a year.

11111. What should you put the forge at?—About 3*l.*

11112. You think these other apartments are worth about the same?—Yes.

11113. Would that be a fair and reasonable rent?—I am sure it would.

11114. Is there any communication between Murphy's present apartments, those over Fiery's shop, and the forge, except by coming down the common stairs, and through part of the passage and out at the back door?—There is no way to come into the yard but coming into the hall and out at the back yard.

11115. Neither is there any way into the street from that apartment, or any

upper apartment, unless by coming down to the hall?—No other way; no other passage.

11116. You have stated he was landlord; that Murphy was landlord of both houses; do you mean by that, that he was the owner and proprietor in point of freehold, or that he held them under some lease or another?—He holds them under some lease.

11117. He was not the head landlord?—No; Mr. Hamilton is the head landlord.

Cross-examined by Mr. Cockburn.

11118. Do you know, Mr. Wilson, how long Murphy has had these premises?—I do not.

11119. Many years?—I remember him myself having them in possession, I suppose, 10 years.

11120. During the whole of that time, has the shop on the left been let off with the parlour behind it, or do you remember Murphy at any time occupying the whole?—I never knew him to occupy any part of that place.

11121. It has always been let off, has it?—Always, to my remembrance.

11122. Now, just tell us, over that shop on the left-hand side that you describe as having been Fiery's shop, what rooms are there; let us have that distinct?—There is two rooms.

11123. Do you mean two rooms on a floor, or one room above the other?—Two rooms on the first floor, and there is a large room goes over the entire thing altogether; that goes over the whole entire house.

11124. Over the two rooms there is a large room which goes over both those two rooms, and over the rooms on the other side of the house?—No; goes over the two rooms over Fiery's apartment.

11125. This room, you say, that goes over the entire, goes over the two rooms of Fiery's?—Yes.

11126. Now, on the other side, what is there over the shop that Tracey has?—I never was up-stairs there.

11127. Does it appear to you to correspond; the size of the building?—It has that appearance.

11128. Did it appear to you as if there were two rooms over the shop and parlour, and a garret in the same way over those two rooms?—It appeared the same size exactly.

11129. When you get up the stairs, which you say is common to the two houses, to the first floor, what do you get to; is there a landing or a passage?—There is a landing.

11130. What are the walls which divide the rooms from the landing; are they wooden walls or lath and plaster?—No, they are built walls.

11131. Plastered?—They are.

11132. Like the walls which generally divide one room from another in a house?—They are.

11133. No brick?—I did not perceive any brick.

11134. What is the frontage of the house to the street; what is that composed of?—Stones and mortar, I suppose.

11135. Do you know?—It is built up of course with stones and mortar; there may be bricks in it for aught I know.

11136. This wall which you say divides these rooms from the landing at the top of the common staircase is a common lath and plaster wall?—Yes; it appeared that way to me.

11137. And so it is, I suppose, on Tracey's side?—On Tracey's side; there you can get up from the stairs.

11138. I am simply asking what the walls are made of; it is a plaster wall?—It has that appearance to me.

11139. A plaster wall on Tracey's side as well as on Fiery's side?—It has that appearance.

11140. Does this common staircase go up still higher; up to the garrets above?—It does.

11141. When you went in February 1832, you found the whole of the left house from the foundation to the roof in the occupation of Fiery?—I was not there in 1832 at all.

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11142. I meant to say in 1838 ; in 1838 you found the whole of the left house from the foundation to the roof in the occupation of Fiery ?—Yes.

11143. Did you go up-stairs ?—I did not at that time.

11144. What do you mean by saying you found the whole of the house in the occupation of Fiery ?—Because he voted out of it, and registered out of it.

11145. Because he voted and registered out of it, you say the whole was in his occupation ?—And I went into his shop and they told me so.

11146. Into whose shop ?—Into Fiery's shop.

11147. Did any body go up-stairs ?—I did not go up.

11148. What question did you ask when you went into Fiery's shop ?—I went to value the place.

11149. What question did you ask ?—I asked whether they were in the occupation of that house.

11150. Did they say they were ?—They did.

11151. Was that all that passed ?—That was all I heard.

11152. What did you mean by telling the Committee just now in answer to a question from Mr. Wrangham ; what did you mean by saying, "They were in the occupation ; that Fiery was in the occupation of that house from the foundation to the roof," if you neither inquired that fact, nor went up to see ?—He told me he did.

11153. Who did ?—Fiery.

11154. You told me all you asked was, whether he was in the occupation of that house ?—Yes.

11155. You asked that question, and did not go on to ask what the house consisted of ?—I did not.

11156. And yet you now come to swear they were in the occupation of the whole from the foundation to the roof ; is that so ?—Yes ; I did say so.

11157. Did you make any inquiry at all about the rooms up-stairs ?—Not at that time.

11158. Did you know at that time what the rooms consisted of up-stairs ?—I heard.

11159. Whom did you hear from ?—I heard it from Mr. Malcolmson.

11160. Did Mr. Malcolmson go with you in 1838 to the house ?—He did.

11161. On Murphy's side ; did you go up-stairs in 1838 ?—I did not.

11162. You say you found Murphy there ?—I did.

11163. And he told you he registered out of the premises which Tracey now holds ; what question did you put to him to which that was the answer ; what did you ask him ?—I asked him, "Did he set his place ?"

11164. When did you ask him that ?—I asked him that on the 24th of April.

11165. I am asking about your conversation with him, on your interview with him in February 1838 ; did you ask him then ; you have said he told you he registered out of the premises which you say Tracey now holds ; what question did you put ?—I do not recollect the question.

11166. Do you mean he said in those words, he registered out of the premises ?—He did.

11167. On your oath, in February 1838 did you ask him what premises he registered out of ?—I did ask him.

11168. What did you ask him ?—I do not recollect the words.

11169. Tell me the substance of the question ?—The substance was to ascertain whether he registered out of that place or not.

11170. What did you say to him to ascertain that fact ?—I do not recollect the words.

11171. Give me the effect or substance ; tell me any thing like what you said ?—I could not recollect, it is so long now ; a year and a half ago.

11172. You recollect all he said to you, you cannot recollect what you said to him ?—Perhaps, I do not recollect all I said to him.

11173. I ask you to state to me any question you put to him when you went on those premises ; you went to ascertain certain points on the premises ; what question did you put for that purpose ?—I cannot exactly say.

11174. Tell me any thing like ; I will not ask you to say exactly ; any question you put that led to that answer ?—Why, it was the 24th of April.

11175. I am asking you about February 1838 ; confine your attention for the present to that ; one thing at a time ; what question did you put to him on which

he made that statement to you?—I do not exactly recollect the whole; only I know he told me that was the place he registered out of.

11176. What did you say to him that led to that?—I told you before I could not tell you the exact words.

11177. Did you tell him you came there for the purpose of getting information and evidence to enable you to break his vote when you came up here?—I did.

11178. You told him so?—I told him it was for that purpose.

11179. On your oath, did the man point out to you, after that, the premises he registered out of?—He did.

11180. Did he know you to be a partizan of Mr. Bruen's side?—He knew I was a friend.

11181. A friend in politics?—He knew I voted for Mr. Bruen.

11182. Do you mean to say, knowing you voted for Mr. Bruen, when you said you came for information to give on his vote; do you mean to say he gave you this information about the premises?—I do, and he has often since.

11183. You went again on the 24th of April last, with Mr. Malcolmson?—Yes.

11184. You say you found Tracey in occupation?—Yes.

11185. What did you find Tracey in occupation of?—That house that Murphy occupied.

11186. What part of the house did you find Tracey in possession of?—He told me, the whole of it.

11187. Who?—Tracey.

11188. I am not asking you what Tracey told you; did you go up-stairs?—I did not.

11189. Did you go up-stairs with Murphy?—Not then.

11190. When did you go up-stairs with Murphy?—It was on the 12th of May I was in Murphy's room.

11191. Did you ever go up-stairs with Murphy, except on the 12th of May?—I did not.

11192. On the 24th of April, did you see Murphy at all?—I did; I saw him in the forge, when I was talking with him.

11193. Mr. Malcolmson did not go in with you?—He did not.

11194. How came Mr. Malcolmson not to go in?—I think he met some one in the street, and stood talking to him, and I went on into the forge.

11195. Did you tell the man again what you had come about?—I did.

11196. What did you tell him?—I asked him, "Did he set his place to Tracey?"

11197. You told me this moment, you said you told him what you had come about?—That was 1838.

11198. Do not shuffle and equivocate with me; I am speaking to you of the 24th of April last; I pointed your attention to that, and I asked if Mr. Malcolmson went with you; you said, "No, he stayed at the door;" I then went on to ask if you told the man on that occasion what you came for, and you said, "Yes;" what did you tell him?—On the 24th of April?

11199. You know it?—I told him I wanted to ask if he set his place to Tracey.

11200. Did you tell him that was with a view of giving evidence about his vote?—I did.

11201. Why not tell me so when I asked you the question?—Because I thought you were going back to 38.

11202. You could have thought no such thing, because I told you it was about the 24th of April; tell me the whole of what you told Murphy when you went into the forge?—I asked him, "Did he set his place to Tracey?"

11203. Did you tell him any thing before you put that question?—That was the first thing I asked him.

11204. Did you tell him you came there for the purpose of gaining information to give evidence against his vote?—I did tell him.

11205. At what period of the conversation did you tell him that; at what part of it?—I do not recollect at what part; I know I told it him.

11206. Did you tell it him when you had got out of him all you could get; was it at the end of the conversation?—I cannot exactly say; I know I told him on that day and at that time.

11207. Was it at the end of that conversation?—I cannot say whether it was at the end or beginning.

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11208. Was it the beginning?—I told him it was for that purpose.
11209. Before you said any thing else to him?—Yes, before I said any thing else to him; before he told me any thing I told him what I wanted.
11210. What did you want?—To ask him, “Did he set his house to Tracey.”
11211. That is not what I am asking you about; I am asking you whether you told the man you had come for information against his vote?—Yes.
11212. Did you tell him that?—I did.
11213. Did you tell him that before you got the information from him or afterwards?—I do not exactly know.
11214. How came you to tell me it was at the beginning of the conversation?—Because you pressed me to it, and I thought it was.
11215. When you are pressed you say what comes uppermost?—I told you since, and I tell you again, it was at that conversation; I told him then at that time I went for that purpose.
11216. You say Tracey was then in occupation?—He was.
11217. Was Tracey at that time carrying on his business as a publican in the house?—He was.
11218. When did he begin to do that?—I do not know.
11219. Do not you know when he got his license?—No.
11220. Do not you know he got his license as late as April sessions last?—I do not exactly know; I have nothing to do that way.
11221. You say you were in the habit of selling him leather?—To his brother.
11222. You have seen persons going in and out to buy his leather?—Yes, because I had business with Murphy in the forge; I knew Murphy well and Tracey, both.
11223. Do not you know, if you had business there, that Tracey did not get his license and did not begin to sell spirits there until after April?—I think he did not; I heard he did not.
11224. Do not you know he did not?—I am not certain.
11225. Upon your oath, have you the slightest doubt; do not you know that man did not; you say you have been in and out of these premises; do not you know the man did not begin to sell spirits in that place until after the commencement of the month of April?—I do not know.
11226. Were you in and out there or by the place in the course of the month of March?—There are very few days in the week I do not pass up the street.
11227. Have you passed the place since the month of March?—Frequently.
11228. Have you been in since the month of March?—I was.
11229. When you went in in March was the man selling spirits there?—I was not in in the month of March.
11230. You said this moment you were?—

Mr. Wrangham.—No; you said since the month of March.

11231. Were you in there in the course of the month of March?—I do not think I was.
11232. Have you been by in the course of the month of March?—Very few days; I do not pass by in that direction.
11233. You must have gone by in March?—Very likely.
11234. Do not you know in the course of the month of March that the man was not carrying on the business of spirit-merchant and publican there; I suppose you have been into the house since the election, before the month of April; between the period that intervened from the election to the month of April you have been into the house?—I was not there until, I tell you I was there the 24th of April.
11235. Were you there between the election and the end of March?—I was not.
11236. You went again on the 12th of May?—Yes.
11237. Was that for the purpose of getting another conversation with the voter?—It was.
11238. I am not asking what it was?—It was the same as before.
11239. You had had one on the 24th of April?—Yes.
11240. And on the 12th of May you went again?—Yes.
11241. Did any body else go with you?—Mr. Malcolmson.
11242. Now, just tell me another word or two about the staircase; this stair-
case

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case which you say was in common, was that staircase beyond the inner door, inside the inner door, or on the street side of it?—Beyond the inner door.

11243. When you went on the 24th of April were the cross-keys still upon the door?—I did not see them.

11244. Had you seen them upon your former visit in February 1838; I think you said you had?—I saw them in the window where Tracey holds now; I saw the cross-keys there then, or over the door or the window.

11245. Which do you mean, did you see them over the door?—I did not.

11246. How came you to say over the window or over the door?—I made a mistake, for a moment.

11247. How came you to say you saw them over the window or over the door?—Over the window, I say.

11248. How came you to say over the door?—I do not know any reason I had for it, because I recollected myself; that is the reason.

11249. Will you undertake now to swear they were not over the door?—I will.

11250. Did you look at the door when you went in in February 1838?—I did.

11251. Will you undertake, on your oath, to say, that having looked as you represent at that door when you went into it in February 1838, there were no cross-keys over the door?—There were not.

11252. Were there any on the door-post?—There did something hang on the tin plate on the side of the door; but they took them down at night.

11253. Is that the cross-keys?—Yes.

11254. Were there cross-keys on the tin plate?—Yes, and Murphy's name.

11255. Was that on the door-post?—It was hanging on the door-post.

11256. Was it on the door-post?—It was.

11257. Then when you told me the cross-keys were not over the door, what you meant was, it was not over the top of the door?—Exactly.

11258. You were there on the 24th of April; were the cross-keys there then?—I did not see them, sir.

11259. Did you look at the door?—I did; it might have been there unknown to me; I did not see it.

11260. Must you have seen it if it had been in the same place where it used to be in February 1838; must you have seen it?—I know——

11261. Answer the question; if it had been in the same place?—I wish to recollect myself to give a correct answer.

11262. Yes.—It was; I think it hung on one side.

11263. What, on the 24th of April?—Yes.

11264. How came you to tell me just now it did not?—I did not tell you any such thing.

11265. How came you to say you did not see it?—Because now that I recollect myself, I think I saw it; I think I saw it on one side; on the left-hand side going in.

11266. On the 12th of May did you see it?—I did not.

11267. If it had been in the same place must you have seen it?—I would.

11268. Did you see it?—I did not see it.

11269. Was it there?—It was not.

11270. Did you see Murphy's name on the inner door?—I did.

11271. I think I understood you you put a value on these rooms that Tracey now occupies?—I did not.

11272. I thought you told Mr. Wrangham that the forge would be worth 6*l.* a year?—I did not say such a thing.

11273. I beg pardon; that which Murphy now occupies; you say that would be worth 6*l.* a year?—Yes.

11274. What do you say is the value of the entire premises, taking the part that Fiery occupies; the shop and parlour, the rooms above that Fiery did occupy, and the part you say Tracey now occupies, and the part you say Murphy now occupies; take the whole premises, the yard and forge; what do you say is the value of the whole?—Let me understand you clearly; the part Fiery held formerly?

11275. The whole of what we call one house and you call two; take the whole, with the yard and forge?—The whole together?

11276. Yes; from the foundation to the roof of both houses?—I should think the whole premises would be worth about 20*l.* a year.

11277. What would you value the shop and the parlour at that Fiery held;

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the down-stairs parlour?—I think the shop and parlour is worth, I suppose, about 3*l.* a year; it is very small; they are near the same size; the house is divided even.

11278. Is Tracey's a small place too?—It is the same size exactly.

11279. Should you set that at the same value?—Three pounds a year, I think, the whole place.

11280. The shop that Tracey holds and the room behind it, you say are about the same size as that you have spoken of as in the occupation of Fiery, or having been in the occupation of Fiery?—The question you asked me was, how much did I consider the house and forge altogether worth.

11281. You have told me that; we have long since left that; we have gone through Fiery's shop and parlour, and now we have got to Tracey's shop and parlour; at what yearly rent do you value Tracey's shop and parlour?—Tracey's shop and parlour is worth about the same thing.

11282. Three pounds?—Yes.

11283. What would you set it at if it was yours and you had them to set; at what rate would you set the rooms which are above Fiery's shop and parlour; two rooms, and the garret over them?—I think they would be worth about 4*l.* a year.

11284. Should you set the two rooms and garret which are over Tracey's shop and parlour at the same rate?—Perhaps they might be worth more; I think they are.

11285. You think they are worth more; do you consider them as worth more than those are over Fiery's shop and parlour?—No, I do not think—I think they are both the same.

11286. You tell me those over Fiery's shop and parlour are worth about 4*l.* a year?—Yes.

11287. Why do you say Tracey's are worth more?—I think they are all worth more, now that I think.

11288. How much; say 5*l.* a year?—I think they are.

11289. What do you set the forge and yard at?—I think the forge and yard is worth to the house; I think it is worth about 4*l.* a year.

11290. I think you say, when you went in 1838, you went there for the purpose of ascertaining the value of the house?—I did.

11291. Did you ascertain that value?—No; when I went then I did ascertain the value; I considered it to be value, you know; that he had the franchise; I considered it was worth the money.

11292. That Fiery had the franchise?—No, that Murphy had.

11293. Fiery you did not think had the franchise?—I think he had not.

11294. How came you to come to that conclusion that Fiery had not the franchise?—Because the forge was attached to the other part.

11295. Did you look over the premises?—I did not remark the premises.

11296. You did not look over the whole of Fiery's premises?—I did not at that time.

11297. How did you get at the estimate of value, if you did not look over the whole?—I knew it was the same size as Murphy's part.

11298. Did you look over the whole of Murphy's at that time?—I did not.

11299. How could you ascertain the value of Murphy's if you did not go up-stairs?—I knew the place when I looked at it; it was worth 10*l.* a year.

11300. Without the forge?—No.

11301. With the forge?—Yes.

11302. Did Murphy tell you, on the 24th of April, he set this house to Tracey?—He did.

11303. When?—The 8th of January.

11304. Now, that you mean to swear, do you?—I do.

11305. You mean to swear he told you, after you had informed him that you wanted the evidence to destroy his vote, or to give evidence upon his vote; do you mean to represent that you told him that you came there for the purpose of getting evidence on his vote, and in that conversation he told you that he had set those premises to Tracey, on the 8th of January?—I told you before I did not exactly know at what part of the conversation I said so; but we only had one conversation on that day.

Re-examined

Re-examined by Mr. *Wrangham*.

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11306. He told you, as I understand you, that he had set the premises to Tracey on the 8th of January?—On the 8th of January.

11307. And during the same conversation you told him the object of your making the inquiries?—Yes.

11308. But whether you told him that before he had told you the other fact you cannot remember?—I do not remember.

11309. But, as I understand you, you are positive on the fact of having seen Tracey selling leather on those premises in the month of January?—Yes, or the beginning of February; I will not be positive.

11310. Murphy did not deal in leather?—O, never.

11311. I think you said, when you went, in February 1838, into Fiery's house, you asked whether they were in the occupation of it?—Yes, and they said that was their house.

11312. Did you direct your question to the whole of that house, of which the shop formed part?—I directed my question to the whole of that house.

11313. Up to the top of it?—Yes.

11314. Did they tell you in answer that they were?—That they were in possession of that, the whole of that house, but that they had a part of it set to a lodger.

11315. And I think you say it was at that time that Murphy told you; pointed out to you the premises out of which he registered, and out of which Fiery registered?—He did.

11316. I think you say that you have known Murphy occupying that house for these 10 years?—I do.

11317. Until Tracey got it?—Yes.

11318. You know Murphy well?—Very well; often employed him as a locksmith.

11319. Can you take on yourself to say whether he occupied, at any time during those 10 years, any other house in Tullow-street?—He never did.

11320. Did you know Fiery too?—I did not know him.

11321. Do you know Tullow-street very well?—Very well.

11322. Can you take on yourself to say whether Fiery occupied any other house in Tullow-street in 1832, besides this; would you have known it if he had?—I think I would.

11323. Have you ever heard of his having occupied any other?—Never.

Examined by the *Committee*.

11324. The room on the left side of this hall; the staircase is taken out of the parlour, on the left side of the hall passage; is not that so?—I do not understand the question.

11325. Look at the plan; this is the staircase?—Yes.

11326. Is the space of the staircase taken out of the parlour, on the left-hand side of the hall-way?—Yes, that is the fact.

11327. And is the parlour on the left-hand side of the hall-way smaller than the parlour on the right side?—It is.

11328. And the upper rooms the same?—Yes.

11329. Are the upper rooms on the left-hand side that hall-way smaller than those on the right-hand side?—I do not think they are, because the staircase takes a twist.

11330. The upper rooms on the left-hand side of that hall-way are not smaller than those on the right?—No.

11331. You have stated that those two rooms you consider at the yearly value of 3*l*.?—Now, that is Tracey's.

11332. You consider that room and the back parlour in Tracey's worth 3*l*.?—Yes.

11333. And you consider those in Fiery's house the same thing?—Yes; the shop is the principal value.

11334. You do not consider that makes it less value because it is smaller?—No.

11335. Only one staircase?—Only one staircase.

11336. Did you know the house when Fiery occupied it?—Yes.

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11337. How did Fiery get up-stairs?—He had to come out into the street, and to go into the hall, and then go up-stairs; there was no other way to get up.

11338. Have you seen those rooms up-stairs, as you have given an opinion of their value?—Yes.

11339. You have been in them?—Yes.

11340. The rooms over Keogh's part on the left-hand side?—Yes.

11341. You have been in them?—Yes, for a short time.

11342. You are sure there are two rooms there?—Yes.

11343. Are you quite sure there are?—There are two rooms as you go up the lobby.

11344. My question is distinctly this; are there two rooms on the left hand when you get up to the top of the stairs?—Not on the left; one of them is opposite to you, the other is a bit to the left.

11345. You swear there are two rooms?—Yes.

11346. That was what was estimated to be in Fiery's?—Yes.

11347. He held two rooms?—Yes; Fiery held the whole thing.

11348. How many rooms are there over Tracey's part?—I believe it was the same, but I never was up in it.

11349. You do not know whether there was one room or two?—He told me there were three rooms in it.

11350. Tracey did?—Yes.

11351. He said he had three rooms?—He said he had the entire place; he had Murphy's house.

11352. Up-stairs, did he tell you how many rooms he had?—I think he had three rooms; I know he said he had the entire place; I think he said three rooms.

11353. Did he say three rooms?—Yes.

11354. Do you swear that?—I swear Tracey said that to me.

11355. And there are two rooms besides on the same floor?—He did not say on the same floor.

11356. Over Keogh's part?—Both houses are the same; they are the very same size, exactly.

11357. How many rooms are there on the first floor up-stairs; on both sides the staircase; on the same floor, how many rooms are there?—I was not in Murphy's part; I was never in the part which Tracey holds.

11358. You distinctly understood from Tracey, he had two rooms up-stairs?—Yes; he so told me.

11359. How many on the upper floor?—Only one.

11360. Only one room altogether?—Yes.

11361. How many rooms are there on the second floor; there is the ground-floor, the first floor, and the top of the house; how many rooms are there on the top of the house, covering Tracey's and Keogh's part?—There is a room over each.

11362. Are there two rooms at the top floor?—There is a garret-room to each house.

11363. And two in the middle part of the house?—Yes.

11364. So that there are six rooms up-stairs?—Yes; I never was in Tracey's part; the man told me that himself.

11365. He said there were six rooms up-stairs?—Yes.

11366. I understand the witness to state, he knows from his own observation that there is above the part occupied by Fiery two rooms in the second floor, and one room above that?—Yes.

11367. You know that from having been there yourself?—Yes; I was in one room and saw the other.

11368. What there is above Tracey's shop, you do not know?—I do not know, except from what he told me—

11368*. Mr. Cockburn.—Will you ask him whether Murphy is in the occupation of all the three rooms over Keogh's shop and parlour, or which he is in possession of?—He said, "A couple of rooms," "a room or two," he said, in Fiery's house.

11369. By Mr. Cockburn.] How much in Tracey's house?—He said he gave it all up to Tracey.

11370. Those two rooms over Fiery's part in the first floor; they communicate with each other?—There is a door from one into the other.

11371. You

11371. You saw Murphy at breakfast in one of these rooms?—I did.
 11372. Which was that?—The front room; the moment I went up-stairs he was there.
 11373. Had he at that time the back room; was he in the occupation of the back room at that time?—He said he was.
 11374. Did he say any thing about the room over that?—No.
 11375. You do not know whether he occupied the room over that or no?—I do not.
 11376. You do not know who occupied that room?—No.
 11377. Did you go into the back room belonging to Murphy?—No.
 11378. You have been in that back room?—No; I only saw it; I never was inside.
 11379. I understood you had been into both?—What I said was, I was in one, and I saw the room in the other.
 11380. Was the door between the two rooms open?—It was half closed.
 11381. The door was half closed into the back room?—Yes.
 11382. Could you see whether it was a room or a closet that was behind there; was there a door there?—Yes.
 11383. Did that door go into a room or a closet?—It went into a room.
 11384. Was the door so far open you could see it?—I could see there was a room.

[The Witness withdrew.]

Mr. *Thomas Crawford Butler* called in and sworn; Examined by
 Mr. *Wrangham*.

11385. DO you know the house in which John Murphy lived in Tullow-street?—I do.
 11386. I mean the place in which he lived up to the early part of this year, or the latter part of the last year?—I do; in Tullow-street.
 11387. Was he the tenant or owner of the next house to his own?—He was, as he told me himself.
 11388. Did he occupy that other house himself?—No; he had set it to a person of the name of Fiery.
 11389. When did Fiery cease to occupy that house?—I think about October last; I am not quite sure; I think it was.
 11390. Were you at that time employed by Murphy in your professional capacity?—I was.
 11391. With respect to Fiery's house?—Yes; with respect to suing Fiery for the rent.
 11392. By the *Committee*.] That was in October last?—That was in October.
 11393. Did you proceed in that which is the ordinary way in Ireland, by civil bill ejectment?—No; it was by process for the rent.

Mr. *Cockburn* objected to any information being given by the Witness which he had obtained, in consequence of his professional employment by the voter.

Mr. *Wrangham* stated he was not going to ask the Witness as to any information he had obtained in that capacity, but only to prove what he did in court.

11394. You proceeded by civil bill?—Yes.
 11395. Did you get a decree against Fiery?—I did.
 11396. At what time was that?—The October sessions.
 11397. Was Fiery at that time forthcoming when you got the decree against him?—No, he was not; he had ran away.
 11398. What became of Fiery's house at that time?—By my directions Murphy took possession of it.
 11399. Now then, sir, Murphy having taken possession of Fiery's house, do you remember what became of the house which he himself had up to that time occupied?—He subsequently informed me that he had set it.
 11400. By Mr. *Cockburn*.] Did he make that communication to you as his attorney?—Not at all.
 11401. By Mr. *Cockburn*.] Were you acting as his attorney at that time?—No.

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11402. Were you at that time his attorney?—So far as a sessions attorney.

11403. How recently was it after this?—Two months after; nearly three months.

11404. Had he consulted you on any matters in the interval?—Nothing further than as to Fiery's house.

11405. Upon what occasion was it he said any thing to you about Fiery's house?—It was at a time when he was at work at my house.

11406. Had the previous conversation turned on Fiery's running away, and your putting persons in?—No; that had altogether gone away.

11407. If I understood you, he stated this to you as he might to any body else?—Yes.

11408. He had not been communicating to you on his concerns?—No, nothing arising out of the professional business.

Examined by Mr. Wrangham.

11409. When was this conversation?—The latter end of January.

11410. In the latter end of January he made a statement to you, as, I understand you, he was working in your house?—Yes.

11411. As a locksmith?—Yes.

11412. In his trade?—Yes, in his trade; he stated he had set his place; he had merely reserved the forge to himself.

11413. Did he then tell you to whom he had set his place?—To a person of the name of Tracey.

11414. Did you say any thing upon that, Mr. Butler?—I remarked to him, "Then, John, you have lost your vote."

11415. What did he say to that?—He said, "Yes."

11416. Did he say any thing more, except saying "yes" to that?—Indeed, he did.

11417. Tell the Committee what it was he said to you in addition to the affirmative answer?—And he said it was no great loss to him; he was, in fact, glad to get rid of it, for his business was altogether failing him, and that he hoped he would have nothing more to do with political matters; and he further stated, that it was his principal object, the getting rid of his vote was, in so setting his house.

11418. By the Committee.] State that again?—That his principal object in so setting his house was to get rid of his vote.

11419. He wanted to get rid of his vote because his business was failing?—Was failing him, because he was voting against persons whom he got his livelihood by.

11420. Have you known in the town of Carlow yourself, from your own experience, that an interference on one side or the other in politics, there, has interfered with the business of individuals?—In that class of life, most decidedly.

11421. This conversation was in January?—The latter end of January last.

Cross-examined by Mr. Cockburn.

11422. Now, are you quite sure, Mr. Butler, that he did not tell you he had agreed to set his house?—He had which?

11423. Are you quite sure he did not tell you that he had agreed to set his house?—I am, quite; the words he used were, "I have set my place;" that is the reason why I remarked, "Why, then you have lost your vote."

11424. Was there an election in contemplation at the time; had you heard of the election?—There was talk of an election, but the same talk had been for some time before that; indeed, for months before.

11425. When did you say Fiery left and run away, and Murphy took back full possession of the house?—In the October previous; pending the proceedings and getting out the decree he ran away.

11426. When did Murphy put Keogh in occupation of any part?—I know nothing of that.

11427. When he told you he had let his place, what did you understand by that?—That he had set his house.

11428. Did he say his house?—Yes.

11429. I thought

11429. I thought you said just now his place?—You asked what did I understand by it; I said what I conceived he intended to convey was, he had set his house.

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11430. Which house?—The house he had registered out of.

11431. Did you know he had let the other to any body?—No.

11432. Then when he told you he had set his place, why did you think it was one house more than the other?—Because otherwise he would not have acquiesced in my statement he had lost his vote.

11433. When you say you heard him say he had let his place, you understood that to mean his own house he had occupied; why did you put that interpretation on his words, when you knew he had been in the habit of letting the other house and had not re-let it?—I knew nothing of his setting or not setting it.

11434. What made you think he applied the words to his own house more than the house he had been in the habit of letting?—He saying his place meant the house he lived in.

11435. Was not the other the one he lived in?—That is the property he had set.

11436. The tenant had gone?—Yes, he had ran away.

11437. Did he tell you to whom he had set it?—To a person named Tracey.

11438. Did you tell us that just now?—I did.

11439. Had he ever complained to you before the last election of his business failing in consequence of his voting?—He had.

11440. When?—In the year 1837 or 1838; in fact, on frequent occasions; he is a man I look on as an excellent tradesman; I have him to do my work, and we have had many conversations on the elections.

11441. Do you mean to say in Carlow it is the case that persons lose their business in consequence of their voting?—Indeed, I do; I think there are many men in Carlow that their votes are a burden to them, from the way they are tormented on both sides.

11442. You attend the sessions; can you tell me when Tracey got his license?—I think the April sessions; that is the last session.

11443. How long do you remember the premises; do you know how long he has had them?—Murphy?

11444. Yes.—He has had them to my knowledge six or seven years, since 1832.

11445. How long do you remember them?—Since 1832.

11446. You remember him in possession of them?—Yes.

11447. Do you remember them before that time?—I only came to reside in Carlow since 1832.

11448. Do you know whether he ever occupied the whole of them?—Never knew him.

11449. Never knew him to occupy the whole?—No.

11450. Do you know whether he did or not?—I do not know one way or the other.

11451. When did you first know Fiery was in occupation?—When he applied to me to sue.

11452. Do you know his premises now where he lives; you have been in and out?—Merely occasionally; I do not know the localities of them.

11453. I do not know whether you told me if you knew when Tracey got his license?—I think in April last.

11454. Had you been in the premises between January and April?—No, I had not.

11455. I think you say he used the words "his place"?—Yes.

11456. Did he tell you whether he had let the entire place, or did he say he had reserved any part to himself?—He said nothing more than I have just told you.

11457. That he had set his place?—That he had set his place.

11458. In the familiar language of Carlow, do not you generally understand by a man's place his shop where he carries on his business?—No; I would understand by him that he had set his own house, I would.

11459. You were anxious that it should be so?—Not at that time; not at all anxious one way or the other.

11460. You knew him to be a voter upon the opposite interest?—I did.

11461. Were you not glad to hear him say that he had set his place?—No, indeed; it made no particular impression.

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11462. You said, "Then, John, you have lost your vote;" at that moment you felt a sort of satisfaction at an adverse vote being got rid of?—At that moment I did

11463. Did he tell you he had set his place, without further observation?—And merely reserved the forge.

11464. What, in your opinion, Mr. Butler, was the value of what you call the two houses?—I am not competent to form an opinion as to the value of the house at all.

Re-examined by Mr. *Wrangham*.

11465. What do you understand when a man talks of his place; do you understand the house in which he lives?—Yes.

[The Witness withdrew.]

Daniel Hubbard called in and sworn; Examined by Mr. *Wrangham*.

Daniel Hubbard.

11466. ARE you an excise officer, stationed at Carlow?—I am.

11467. How long have you been there stationed?—About two years and a half.

11468. Do you know the premises occupied by a person of the name of Tracey; Thomas Tracey, in Tullow-street?—I do.

11469. We are told he is a publican; is that so?—He is.

11470. Now, when do you remember any application being made to you for a license for those premises?—About the early part of February.

11471. February last?—Yes.

11472. An application was made to you; by whom?—By Tracey himself.

11473. You do not remember the day, do you?—I do not.

11474. It was early in the month of February?—It was, to the best of my knowledge; it might be the latter end of January, but I think it was early in February.

11475. Was it for himself that he applied?—Yes.

Cross-examined by Mr. *Cockburn*.

11476. When did he get his license?—I do not survey that division, and therefore I cannot speak with confidence; to the best of my knowledge, he got it in April.

11477. Do you know that?—I know he got his license.

11478. Do you know he got it in April?—I do not remember the day; I know he is licensed.

11479. Do you know the month?—Yes; in April.

11480. They are licensed at quarter sessions, are they not?—They get a certificate from the assistant-barrister at the quarter sessions.

11481. They cannot get their license until they have got that certificate?—Yes.

11482. How long have you been in Carlow?—Two years and a half.

11483. How long have you been in this town?—Three days.

11484. Have you been upon the premises yourself, not to survey?—Never; never since Tracey has been in them.

11485. Do you know how long Tracey has been there at all?—Since April; do you mean as an excise trader?

11486. No; at all?—I cannot say.

11487. By the *Committee*.] Did Tracey describe to you the premises out of which he wished to be registered?

Mr. *Cockburn* suggested that Tracey's statements were not legitimate evidence in this inquiry.—[*The question was not pressed.*]

Mr. *Alexander Humfrey* sworn; Examined by Mr. *Wrangham*.

Mr. A. Humfrey.

11488. HAVE you the affidavit of registry of a person of the name of Fiery?—[*The Witness referred to a book.*]

11489. By Mr. *Cockburn*.] What book is that?—It is a list or index; but I have no such name as Fiery entered here.

11490. Let me look; here it is; is not that it?—Yes.

11491. Produce

11491. Produce the affidavit?—Here it is. [*The Witness handed in the Affidavit.*]

Mr. A. Humphrey.

29 May 1839.

The affidavit purported to be the affidavit of register of James Fieghry, pensioner, as registering for a dwelling-house in Tullow-street, and the date of registration being the 5th November 1832.

Examined by the *Committee*.

11492. What do you allow a party to register for in Carlow?—I do not understand the question.

11493. Do you allow a party to register for part of a house?—O, no; he is generally considered to be the owner of the house.

11494. What do you consider a house in Carlow?—The same as any other house; to be the sole owner of the premises.

11495. If a house has two stories it must have a staircase?—I suppose so, or a ladder; some have no staircase, but only a ladder going up to the upper rooms.

Mr. *Wrangham* stated that he had concluded the case against the vote.

CASE IN SUPPORT OF THE VOTE.

John Lawlor called in and sworn; Examined by Mr. *Cockburn*.

11496. DO you reside at Carlow?—Yes.

John Lawlor.

11497. Do you know a man of the name of John Murphy, of Tullow-street?—Yes.

11498. How long have you known him?—I have known him these 12 or 13 years.

11499. How long has he occupied premises in Tullow-street?—As long as I have known him; 12 or 13 years.

11500. Describe to us what those premises consist of?—He has three rooms upstairs, in his own occupation.

11501. What is there in Tullow-street which he occupies or ever has occupied; what is there in Tullow-street that he retains?—There is a house he has let to a man named Tracey; part of his entire concerns.

11502. Is there a hall part of those premises?—There is a hall-door leading to his concerns and Tracey's also; one hall leading into both.

11503. There is a hall-door; on the right-hand side of the door we have understood there is a shop and parlour?—There is a shop as you go into the hall-door; there is a shop to the right belonging to Tracey.

11504. And behind that shop?—Behind the shop a small room.

11505. Is there on the left-hand side of the hall a similar shop and room corresponding?—Not as you go into the hall.

11506. It does not open into the hall?—There is such a thing in the possession of another man; another part of the same house.

11507. Is that Murphy's also; I do not mean he occupies it?—It is Murphy's.

11508. Over Tracey's shop, we have heard there are two rooms; is that so?—There is but one room first, on the first lobby which goes over the shop of Tracey, and also his little room.

11509. One room that goes over the two?—Yes.

11510. That one room which you say goes over the shop and the little room; what is there in the second story?—There is a room belonging to Murphy over that part.

11511. The third floor is one room?—Yes; one room that goes immediately over that.

11512. I mean just over the shop?—Just over Tracey's shop and little room, there is one room.

11513. There is a shop and a little room behind?—Yes.

11514. And over that one room extending over the whole?—Yes.

11515. And then on the next story there is another room extending over that again?—Yes.

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11516. On the other side, on the left-hand side; now attend one moment; when you get up to the first lobby, does this room which you say extends over Tracey's shop and the little back room, is that on your right or your left?—It was on my left.

11517. You turn round when you get to the top of the lobby?—When I get to the top of the lobby it is on my left.

11518. It is on the right-hand side of the house?—Yes.

11519. On the left-hand side of the house, what is there over the shop and the little room which are occupied by the other man, by Keogh?—There are two rooms occupied by Murphy, on the same side of the corridor——

11520. That is on the first lobby?—On the second.

11521. When you first get up the staircase?—There is a large room, where Murphy lives himself.

11522. Is that right over Keogh's shop?—Right over Keogh's shop.

11523. There is one room there Murphy occupies himself?—Yes.

11524. Tell me what the rooms are first over that one room; what is there on the second floor?—Two small ones; not very small; but two rooms.

11525. On the first floor is there only one room?—That is all.

11526. No back room?—There may be a little closet; a thing I did not mind to see.

11527. No back room on the first floor, either on the right-hand side or left-hand side?—No.

11528. Now, up at the top, you say, over the room that is over Keogh's shop, there are two rooms?—Yes.

11529. Are those rooms on the left or on the right-hand side of the stair-case?—On the right as you go up; that is on the left-hand side of the house if you were in the street.

11530. Two rooms on the left-hand side from the street, and one room on the right-hand side?—Yes.

11531. That is all the premises, is it?—Yes, so far as the house.

11532. Now, behind, we have heard there is a yard and a forge?—There is.

11533. Have you known Murphy well?—I have known him very well.

11534. You have known him 12 years?—Yes.

11535. Have you frequently been in the habit of being in his house?—I suppose I have been often in his house, may be five times a day, and then not once for a week; for he does the business for us at the college.

11536. You are the steward at the college?—Yes.

11537. You have frequently occasion to go in and out of his house?—Sometimes three times a day, and other times not for a week.

11538. Have you done that recently?—I have.

11539. For instance, during January last; December, January and February?—Yes, and up to the last week.

11540. Do you remember the last election?—I do.

11541. Were you in the house recently before the election?—I was.

11542. How long before the election were you in the house?—Not, I suppose two days; I do not know, I might be there the day of the election.

11543. Within a day or two of the election?—Indeed, I was.

11544. Be good enough to tell us what Murphy was occupying of those premises just preceding the election, or at the time of the election?—He occupied the three rooms that I described for you up-stairs.

11545. On the left of the house, or on the right of the house?—They are both to the right and left, on the upper part of the house.

11546. Suppose yourself on the first lobby; what did he occupy on the first lobby?—He occupied the one room, the room to the right as you go up on the lobby.

11547. The room to the left as you are in the street?—Yes; the room to the left as you are standing in the street, and looking at the house.

11548. By the *Committee*.] Does the witness state he occupied the room over Fiery's shop; was it the room over Fiery's shop or over Tracey's shop?—Over Fiery's shop.

11549. What did he occupy above that?—

11550. By Mr. *Thesiger*.] How do you know that?—I saw it and was in it.

11551. By

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11551. By Mr. *Thesiger*.] Were you in all the rooms?—Yes.
11552. By Mr. *Thesiger*.] That day?—No.
11553. Up to the time of the election, you say you were in and out constantly?—I was.
11554. Was there any change in this man's occupation; whatever rooms he occupied then, had you seen him occupying them some time before?—Yes.
11555. You say there was this room on the left from the street?—Yes.
11556. What was there on the floor above?—Three rooms on the floor above.
11557. Did he occupy them all?—He did, and does still.
11558. Did he occupy the whole of the upper story?—He did; but there is a man teaches school in one of them.
11559. Was that a tenant of his; did you ever see the man teaching there?—I did.
11560. Do you know whether he was there for more than an hour or two a day?—I think he was there more than an hour or two a day.
11561. Do you know whether he occupied the rooms permanently, or whether he went in there to teach the children?—
11562. By Mr. *Wrangham*.] Do you know any thing except from the statement of the man, or from Murphy?—Sir, I was in the house and talking to the man.
11563. You say you have seen the schoolmaster there?—Yes.
11564. In which of the rooms was it you have seen the schoolmaster?—In the room to the left as you stand in the street.
11565. How long have you ever seen him there at a time?—I have not seen him there half an hour, or a quarter of an hour.
11566. Was that at a particular time of the day?—I cannot say exactly; I dare say about 12 o'clock.
11567. You told me those three rooms were in the occupation of Murphy; what do you mean by that; have you seen Murphy using them as his own?—I have seen him using two as his own, and this I thought his own.
11568. Which are those two?—The one to the left, that is to the right as you stand in the street, and a small room at the rear as you look to the left.
11569. By the *Committee*.] Was the schoolmaster in the room on the second floor?—Yes.
11570. By the *Committee*.] The top floor?—Yes.
11571. How long has Murphy occupied, to your knowledge, that room upon the first floor; the left room on the first floor?—I think not long; I think he has not long, to my knowledge; I never saw him in that room until within the last four or five or six months.
11572. Do you remember Fiery being in the occupation?—I remember Fiery living where Keogh lives now.
11573. Where does Keogh live?—He lives in a part of John Murphy's concerns.
11574. Which part?—To the left as you go into Murphy's hall-door.
11575. The ground-floor; the first floor or the second floor?—On the ground-floor.
11576. Did you ever know Fiery any where except on the ground-floor?—I did not, but I heard he had this room.
11577. You never knew him yourself except on the ground-floor?—Never.
11578. There is an inner door, we have heard, in the hall?—There is.
11579. Is Murphy's name over that?—It is on a brass label.
11580. Is the staircase beyond it?—It is.
11581. Do you know who has the key of that?—Of which door?
11582. Of that inner door.—I do not.
11583. On the outside hall-door, is there any name upon that?—Not on the door.
11584. Is there any name attached to it in any way?—Murphy's name is on a cross-keys over that, and Tracey's name is over the door; over the lintels.
11585. Tracey's name is over it and Murphy's?—Yes, over that again.
11586. We have heard there is one staircase to this house?—Yes, that is all.
11587. Is it one house or two houses?—I believe it was but one house.
11588. Has it the appearance of being one house or two?—It has the appearance of one house, I think.
11589. Has it one roof at the top?—It has.

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11590. Which room do you say you have ever seen the schoolmaster in?—In the top room.

11591. Which side, right or left?—To the left as you go into the hall-door.

11592. If I understand you, the other room, and the room on the right, you have seen Murphy in?—I have.

11593. Has he always had those rooms since you recollect?—He has as long as I have known him.

11594. You have been in and out of these premises a good deal?—Yes.

11595. What, in your opinion, is the value of the whole of them?—I think the three rooms are worth 3 s. 6 d. a week.

11596. That Murphy occupies?—Yes, the three top rooms.

11597. What, in your opinion, is the hall worth, and the room upon the first floor that he occupies?—That would be very well worth 2 s. 6 d. a week.

11598. Then, the part of the house he occupies you put at 6 s. a week?—I would.

11599. What do you value the forge at?—I consider it very cheap at 5 l. a year.

11600. With the yard?—Yes, with the yard.

Cross-examined by Mr. *Wrangham*.

11601. What family has Murphy, do you know?—I believe five or six children.

11602. You say, the three top rooms; that is, the second floor and one room over the first would let for 6 s. a week?—That and the hall.

11603. How much would the hall let for a week?—The hall would let for very little a week.

11604. What would it fetch?—In the state it is now, not much more than 4 d. a week.

11605. Would it let for a quarter?—Yes.

11606. For what purpose?—For the purpose of putting any lumber in.

11607. Is it a room which could be let for the purpose of living in?—The hall?

11608. Yes.—Not in itself.

11609. These rooms, you say, are worth 6 s. a week; how much are they worth a year?—Seven pounds ten shillings, about; I cannot say exactly that.

11610. Are they, in your judgment, worth 7 l. 10 s. to let by the year?—I think they are.

11611. Have you put what you consider a very full and fair rent on them?—A fair value, in my mind, as well as I think.

11612. By the *Committee*.] For the rooms occupied by Murphy?—Yes.

11613. Or 6 s. a week?—O, no.

11614. Which rooms do you say are worth 7 l. 10 s. a year?—The three rooms up-stairs, on the top floor, and the room below.

11615. The room over Fiery's, and the three rooms above; those you look upon as worth 7 l. 10 s. a year?—Yes.

11616. The hall, you say, would let for 4 d. a week; how much, taking your mind as much as possible from the weekly value of it, how much do you think it would let for by the year; the hall?—I could not tell what it would let by the year as it is, as I said before.

11617. You talk about the hall; how much would the hall let for by the year, and you may make an allowance for the staircase?—If it was in a state it could be let—

11618. How much would the hall let for by the year?—Ten or twelve shillings.

11619. You are quite sure it would let for that?—Indeed, I am.

11620. That would make it about 8 l. altogether?—The rooms?

11621. The rooms within that house.—I think not.

11622. What is 7 l. 10 s. and 10 s.?—Did I not say a while ago the hall and rooms, and the hall together—

11623. Was 7 l. 10 s.?—Yes.

11624. Then, it is 7 l. 10 s. for the three rooms at the top, the room on the first floor and the hall?—Yes.

11625. That includes the whole of what there is within the walls?—What he has.

11626. The

11626. The forge, you say, would let for 5 *l.* a year?—It would.
 11627. Are you in the habit of valuing things, Mr. Lawlor?—Not very much.
 11628. Have you ever valued any thing besides this, now?—I have.
 11629. Have you ever valued a holding of a person, called William Farrel?—
 I did.
 11630. Was that at the register?—Not at that time; I believe it was since.
 11631. Was it at the register that you spoke to its value?—Yes.
 11632. He was not then registered?—Yes.
 11633. I only ask you the question for the purpose of putting this; you put
 5 *l.* a year on a forge; do you ever recollect valuing a certain pear-tree at Farrel's,
 at 5 *l.* a year?—I do not recollect I ever valued it.
 11634. Can you take on yourself to say you did not?—To my knowledge, I
 did not.
 11635. Will you swear, to the best of your knowledge and recollection; you
 never valued a pear-tree in William Farrel's holding, at 5 *l.* a year?—I do not
 know whether I did or not.
 11636. Can you take on yourself to say you did not?—I can, solemnly, to my
 knowledge.
 11637. Can you take on yourself to swear you never valued a pear-tree at
 William Farrel's, as part of his qualification, at 5 *l.* a year?—To my recollection,
 I did not.
 11638. Can you take on yourself to swear you did not so value it; it is not a
 thing you are likely to have forgotten?—I can positively swear, as well as I can
 recollect, or bring my recollection, I did not.
 11639. How long is it since you were examined upon it?—I believe it is two
 years or more.
 11640. Do you mean to tell the Committee that you do not recollect, so as to
 be able to speak positively, whether you spoke to the value of 5 *l.* a year as
 belonging to a pear-tree?—I can say, I believe I never did.
 11641. Can you take on yourself to swear positively, one way or the other, did
 you, or did you not?—I cannot; but I believe I did not.

[Adjourned till To-morrow, at Eleven o'clock.]

Jovis, 30^o die Maii, 1839.

GEORGE GROTE, ESQ., IN THE CHAIR.

The Names of the Members were called over—all present.

CASE ON THE VOTE OF JOHN MURPHY RESUMED.

John Lawlor recalled and sworn; Cross-examination continued
 by Mr. *Wrangham*.

11642. YOU know these premises of Murphy's perfectly well?—I do.
 11643. Thoroughly well?—Yes, sir.
 11644. Now, taking the whole premises, that is to say both Tracey's house and
 Fiery's house and the forge; you know what I mean?—I do.
 11645. What would be the annual rent, in your judgment; the fair annual rent
 of the whole; taking the whole thing we have been talking about; taking all the
 premises, all after you go in at the street; all that is under the roof on both sides of
 you, as well as the forge and the yard behind; what do you say is the fair annual
 value of the whole of these premises?—About 34 *l.*, I think that would be it.
 11646. What is the annual value; you have talked of a room at the top of the
 house at the right, over Tracey's part?—Yes.
 11647. What is the annual value of that room at the top of the house on the
 right?—About 2 *l.* a year, if you were to take it by the year, if it was set annually.
 11648. Which room?—The room over Tracey's room, on the second floor, on
 the right as you look to the house.

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11649. What is the value of the room at the top on the left?—About the same thing.

11650. That is to say, there is one room at the top of the house on that side on the left?—Yes.

11651. And that room is worth 2*l.*?—It is; it fronts the street.

11652. I understand you correctly; over Fiery's side on the left as you look, there is one room that takes the entire of the second floor?—No, there are two rooms.

11653. Which is it that is worth 2*l.* a year?—The one that fronts the street.

11654. What is the room behind worth?—About 15*s.*, if it was set by the year.

11655. There is the room below?—Yes.

11656. The room below over Fiery's?—Yes.

11657. That takes the whole of that first floor, as I understand it, over Fiery's?—Yes.

11658. What is the value, to let by the year, of that room?—By the year?

11659. Yes.—About 4*l.*

11660. You say 4*l.* for the first floor, 2*l.* 15*s.* for the second?—Yes.

11661. And 2*l.* for the second floor on the other side?—Yes; I said 2*l.* for the one, Keogh's.

11662. Two pounds fifteen shillings for the two over Keogh's?—Yes.

11663. Two pounds for the one over Tracey's?—Yes.

11664. And 4*l.* for the room immediately over Keogh's?—Yes.

11665. And the hall, what do you put the hall at?—For the convenience to go to the other parts of the house.

11666. You put that at 10*s.* or 12*s.* a year?—Yes; I said, if it could be let so.

11667. You say the room at the top of Tracey's part is worth 2*l.* a year?—Yes.

11668. And that Murphy occupies it?—They do; there are two standing beds in it.

11669. Does Murphy sleep there?—No.

11670. Have you ever seen any one sleep there?—No, sir.

11671. How long do you speak to your knowledge of Murphy having occupied that room?—I cannot say how long.

11672. By the *Committee*.] Which one are you speaking of?—The one on the right, over Tracey's.

11673. How long has he occupied the rooms on the left?—That is the room that the children taught in.

11674. The room on the left is a very plain question; how long has he occupied the room on the left?—I have seen that these five years, and I have seen it still, the children teaching in it.

11675. There is a room over Fiery's shop and parlour?—Yes.

11676. And the rooms over it?—Yes.

11677. How long has he been in the occupation of those rooms, and that room on the first floor, and those rooms on the second floor?—I did not see Murphy occupy the room on the first floor until within these three months past; not to my knowledge.

11678. You talk about a room with the children teaching in it; I am not asking about that, the other room that is by it on the same floor over Keogh's; how long have you known Murphy occupying that?—I cannot say I saw him occupy that until within these four or five months; whether he did or not, I cannot say.

11679. The other one, you say, you have seen a man teaching children in?—Yes.

11680. You have lived at Carlow some time, have you not, Mr. Lawlor?—The last 12 or 13 years.

11681. You are a voter, are you not?—Yes.

11682. Steward to the Priests' College?—Yes, sir.

11683. And voted for Mr. Gisborne, I presume?—I did.

11684. Pray, was Fiery a voter?—He was.

11685. And used to vote at the elections?—I think he did.

11686. By the *Committee*.] The last election?—No, sir.

11687. Pray, what is the value; the annual value to let, in your judgment, of Fiery's shop and the room behind it; Keogh's shop and the room behind it, now?—I am sure it was set for 10*l.*

11688. The shop and the room behind it?—What Keogh has; he has another little room at the back.

11689. Then

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11689. Then what would you put on Fiery's shop and the room behind it?—Ten guineas.

11690. Then what would you put on the rooms on the first floor; the room; I believe there is only one on the first floor over Tracey's?—Four pounds a year; over Tracey's?

11691. Yes, over Tracey's.—Sure, Tracey has that himself.

11692. What do you put it at?—I thought it was Tracey's whole concerns you asked me.

11693. You say that room was worth 4*l.* a year if let separate?—No; I thought it was the room you asked me that Murphy occupies as a kitchen, or as he pleases.

11694. There is a room over Tracey's?—Yes.

11695. That occupies the whole of the first floor, does it not?—It occupies the whole over Tracey's.

11696. Is it not as big as that on the other side?—No.

11697. Are not Tracey's shop and parlour as big as Keogh's shop and parlour?—I think it is not so big.

11698. Do you know any thing about it?—I do.

11699. Do you mean to tell the Committee, Tracey's shop and parlour is not fully as big as Keogh's shop and parlour?—I think it is not so wide.

11700. Which side of the house is the staircase on?—It is on the left.

11701. That is on Keogh's side?—Yes.

11702. Is not the staircase taken out of what would be the back room behind Keogh's shop?—It is.

11703. There is no staircase on the other side?—No.

11704. The whole of the back on the other side is occupied by Tracey's back room?—It is.

11705. Do you mean to say Tracey's back-room is not considerably bigger than Keogh's?—I think not.

11706. You think, then, the room behind Keogh's is bigger than the room behind Tracey's?—Some little thing, I think it is.

11707. What is the size of the room behind Keogh's?—I never measured that room, but I will give as near as my judgment will lead me to it; about 18 feet square, I believe; 16 or 18 feet square; I cannot exactly know.

11708. How far across; taking the side that joins to the shop, how far across is that room?—That goes across Keogh's house.

11709. The shop?—The shop?

11710. Yes.—I think it is about 16 or 18 feet.

11711. You think it is about 16 or 18 feet across?—Yes.

11712. Does it go across the whole of the back of Keogh's shop?—It does.

11713. Where is the staircase?—It is to the rear of that again.

11714. What is the depth of that room from the shop to the back of the room?—From the front wall to the back.

11715. From the back wall of the shop to the back wall of the room; that is the depth of the room behind?—The room that Murphy lives in?

11716. Keogh's room on the ground-floor we are talking of all this time; have you been speaking of that Murphy is living in above Keogh's, now?—Yes, sir.

11717. I am speaking of the room behind Keogh's shop; is there a room there?—There is.

11718. Is that room bigger or less than the room behind Tracey's shop on the same floor?—It is less.

11719. Considerably less, is it not?—Not a great deal.

11720. Is there not the staircase taken out?—There is; but Keogh's side is the biggest side.

11721. That room is less than the room behind Tracey's?—Yes.

11722. What is the difference in the breadth of Tracey's shop and Keogh's shop; the frontage?—I cannot say particularly, but I believe there is three feet.

11723. What do you make the breadth of Keogh's shop, the frontage?—About 14 feet or 16.

11724. What is the breadth of Tracey's, then?—It is not more than 11; I believe so.

11725. And what is the breadth of the passage?—Not more than three, I believe, or three and a half.

11726. You have told me that Keogh's shop would let for 10*l.* a year, shop and parlour behind?—No, with the room overhead; I understood by your question, it was the whole of his concerns.

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11727. Now you say it is not so ; what room has Keogh beside the shop and room behind it ?—He has a room over them both ; is it Keogh ? no, Tracey ?

11728. Do you mean Keogh or Tracey ?—I mean Tracey.

11729. Keogh's shop and the back room you said would let for 10*l.* a year ; did you tell me that or not ?—I understood by what was in his concerns.

11730. What is in his concerns ?—He has a shop and a room behind it, and a little room back outside of that.

11731. Where is this last room, then ; under the stairs ?—No, sir ; no, joining the forge ; between the forge and the house.

11732. Is it outside the back door ?—It is.

11733. What is that room ?—I believe he makes a kitchen of it, or cooks something in it.

11734. How big is it ; have you ever seen it ?—I have been in it.

11735. How big is it ?—About 11 by 12 feet, or 12 by 11.

11736. How big is the forge ?—It is 27 feet long by 11.

11737. How big is the whole yard ?—About four yards beyond the forge.

11738. Do you mean beyond the 27 feet ?—Yes.

11739. Twenty-seven and 12 ?—Yes.

11740. Thirty-nine feet long ?—Yes.

11741. How broad is it ?—About four feet more than the forge ; the passage is not more than four and a half feet.

11742. Now, do you mean to swear that yard is 39 feet by 15 ?—I do.

11743. What is the value you set on this room between the forge and the house ?—That is by the year or by the week ?

11744. By the year.—Not more than 1*l.* a year.

11745. Do I now understand you to say that Keogh's shop, and the room at the rear of it, and this little back room, are 10*l.* a year ?—Yes.

11746. And the room over it 4*l.* a year ?—Yes, sir.

11747. Then the room over Tracey's, I suppose, is worth 4*l.* a year ?—It is not, in my mind, as well worth it as that.

11748. Is it, in your mind, or is it not, worth 4*l.* a year ?—I think it is not.

11749. What do you say it is worth ?—I think it is worth 3*l.* 15*s.* or 3*l.* 10*s.*

11750. This little room behind, you spoke of, next to the forge, and the house ; was Fiery in occupation of that ?—I cannot tell you.

11751. Is there any entrance into that room from Fiery's, except by going through the back door ?—I did not see any entrance into it.

11752. Have you any doubt whether there is or not ?—I have not any doubt whether there is or not ; I saw an entrance outside from the yard.

11753. Is there an entrance or is there not ?—Not to my knowledge.

11754. You saw it, did you not ?—Yes.

11755. How long since ?—I saw it last Friday.

11756. You cannot tell me whether there is an internal communication ?—To the best of my knowledge, there is not.

11757. Have you any doubt there is not ?—I have no doubt, whether or no.

11758. Then there is not one ?—To the best of my knowledge, there is not.

11759. Did you look for it ?—I did not.

11760. Could you have missed seeing it if it had been there ?—I think I might.

11761. Have you any doubt whether there is a door ?—I have a doubt that there is not, when I did not see it.

11762. You saw no entrance except by the back door ? No.

11763. You have spoken about Murphy's name at the door, at the street-door ?—Over the street-door.

11764. When was it over the street-door, or is it there still ?—If it did not leave it since I came from home, it is there still.

11765. Do you mean to swear Murphy's name was over that door when you left on Saturday last ?—I have seen his name as it would be on a sign-board ; "J. M." on the sign.

11766. Do you mean to swear you saw the name of John Murphy over the outside street-door when you saw these premises on Saturday last ?—I saw it, as I explain it to you ; a thing in the nature of cross-keys, and a "J." on one side and a "M." on the other.

11767. What is this thing in the nature of cross-keys ?—Showing he is a smith.

11768. What is it made of ?—It is made of iron.

11769. A plate ?—A common iron, and painted.

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11770. Is it not an iron or metal plate of some kind or another which takes on or off?—It is outside the street.

11771. Is it one that takes on and off, or fixed to the wall?—It is one that takes on and off, if it is outside the street you mean.

11772. Do you mean to say that is suspended over the top of the door, or at the side of the door?—It is over the door; the street, over the door.

11773. Now, there is an inner door?—There is.

11774. What name is there upon that?—"J. Murphy," I believe, "engraver."

11775. How is that put there; upon what?—It is upon a brass plate.

11776. How long has that been there?—I believe not sooner than about three months ago; I cannot positively say.

11777. Having had a night or two, recollect yourself; can you answer me a little more positively than you did yesterday as to whether you did not, in the year 1837, in swearing to the value of Farrel's holding, include the annual value of a pear-tree?—I can positively swear that I did not; but I could not answer you yesterday, only I answered you to the best of my—

11778. The result of your night's reflection has been, that you did not?—I heard of the tree at the time, but I did not swear to the value of the tree; if any one did it must have been another witness; it was talked of.

11779. You remember the thing taking place?—I do.

11780. Did some other witness speak to it, do you mean?—Swear to it?

11781. Yes.—I cannot say that; but I heard talk of the pear-tree, there being a joke about it.

11782. Do you mean to swear you did not yourself talk of the pear-tree, instead of hearing of it by other people?—Never, until I heard it talked of at the register.

11783. Did you, when you heard talk of it at the register, did you value it yourself personally?—I never valued it.

11784. Did you talk of it yourself?—I said I seed it.

11785. Did you say that when you were under your examination?—I said, when I was under my examination yesterday, I never recollected valuing it.

11786. Did you say any thing about this pear-tree in your registration?—I never did, unless I was asked the like in it.

11787. Were you asked or not; did you speak as to the pear-tree in your evidence?—If I was asked, did I see it, I did say so.

11788. I am asking whether you spoke of it; you must give me an answer; remember there are people here who were at the registration?—It matters not to me whether or no; I will answer you what I think to be the truth.

11789. Did you, or not, in your evidence, then, speak of that pear-tree?—I never valued it.

11790. Did you, or not, speak of that pear-tree; I must have an answer?—I never spoke of it without I was asked it; I never valued it.

11791. I must have a plain answer to a plain question; did you, or not, in your evidence then speak of that pear-tree?—I suppose I said it was in it.

11792. Have you any doubt you said it was in?—I have no doubt I may have said it was in it.

11793. Have you any doubt you said it was in it?—I have no doubt, whether I did or no.

11794. You have no doubt?—No.

11795. That is to say, you did say it?—I cannot say I did say it.

11796. Have you any doubt that you did speak of that pear-tree in your evidence then?—I have no knowledge that I spoke of it.

11797. You spoke as to the value of that garden of Farrel's?—I did.

11798. There were three perches in that garden, were there not?—I cannot say how many perches now; I never thought of it either since.

11799. Do you know what value you put on that garden per perch?—Then I do not at this moment.

11800. Do you know whether or not you did not put such a value on it as would have made the rent amount to 80*l.* annually an acre?—I know I heard some of the gentlemen saying that was at the rate of 80*l.* an acre.

11801. In answer to that question of mine, is it you said you heard some of the gentlemen say so?—I heard some of the gentlemen calculate, and say it was at that value.

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11802. I think you told us Farrel was not fortunate enough to be registered?—Not at that time.

Re-examined by Mr. Cockburn.

11803. He appealed, did he not?—I do not know; but he registered shortly after.

11804. Was he registered at the assizes, or by a judge?—I cannot answer, but it was not long after, I know.

11805. If I understand you, you did not speak to the value of the pear-tree?—I did not.

11806. When the gentlemen said this made it amount to 80*l.* an acre, was that by the year, or the purchase-money of the garden?—I cannot say whether it was or not.

11807. You merely heard some body say that that would make it 80*l.* an acre?—Yes, either Mr. Hayes, or some other gentleman.

11808. Now carry your mind back to these rooms again, will you; you say there are two standing beds in the room on the top story to the right?—Yes.

11809. How long have you known Murphy occupy that room?—I have seen beds there within this last four or five months.

11810. How far back beyond that?—I never saw any body else in it; I never saw any family in it but his own, any time I went up and down.

11811. How long have you known two beds there?—I never saw them until within these two or three months.

11812. Where does Murphy sleep?—He sleeps himself in the room on the first floor.

11813. And the other two rooms on the top stair; which has the schoolmaster for teaching the children, the middle room?—The one to the left as you enter through the hall-door.

11814. As you look from the street?—Yes.

11815. Is it the one over Keogh's or over Tracey's?—Over Keogh's.

11816. Murphy, you say, occupies the middle room?—The room to the right as you go into the hall-door.

11817. Are there two or three rooms on the top stair?—Three.

11818. Murphy has the right, and the schoolmaster has the left?—Yes.

11819. Has Murphy the centre?—Yes; lumber of his own in it; boxes, and things of that kind.

11820. When was it this examination took place at the registry about William Farrel?—I cannot say exactly; I believe a couple of years ago.

11821. Was he a farmer living in Follerton-row?—O, no.

11822. Where did he live?—Who?

11823. Where did he live?—In Follerton-row.

11824. What year was it in?—I cannot say.

11825. Was it two or three years ago?—About two years ago.

11826. Was it in July 1837?—I cannot swear what session it was.

11827. Was it the summer sessions, do you remember?—I believe it was.

11828. Was the man registered within a few weeks after that, at the next assizes?—He was registered shortly; I cannot say how soon.

11829. Did the assizes take place shortly afterwards?—They did.

11830. I do not understand the value you put on the different parts of the premises; Keogh's shop and parlour, what do you put that at?—To set it singly, about 9*l.* 10*s.*

11831. The shop and the room behind it?—Yes.

11832. Take Tracey's, and the room behind that?—There is but one behind Tracey's.

11833. Two behind Keogh's?—Yes, but not withinside the roof of the house; there is one that I have described in the back yard.

11834. Do you mean the shop and that room?—Nine pounds ten shillings.

11835. Does the other room, which is behind it, communicate with the room behind the shop?—I think not; I did not see the door in it, but he has it in his possession.

11836. Take the shop and the room behind it?—Yes.

11837. You put that at 9*l.* 10*s.*?—Yes.

11838. What

11838. What do you put Tracey's at, the shop and room behind?—About eight guineas.

John Lamlor.

11839. What do you put the room on the first floor over Keogh's at?—Four pounds.

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11840. What do you put the opposite room?—Over Tracey's?

11841. Yes.—Something less, I think; there is two windows in the one over Keogh's, and but one in the room over Tracey's.

11842. What do you put the rooms at the top; the three rooms together; what do you put those at?—I think about 4*l.* 15*s.*

11843. And the yard and forge, what do you put those at?—I put it at 5*l.* a year; if it was set by the week, it would be a good deal more.

11844. Suppose you had to set the whole premises, should you set them somewhat higher than if you set each of these rooms separately; setting the whole?—The three portions?

11845. Every thing, the whole entire premises?—I should set it for more; is it? If you set them separately, you get something more for them.

11846. You put it some time ago at 34*l.*?—Yes, 34*l.* would be quite sufficient for it.

Re-examined by Mr. *Wrangham.*

11847. What difference would you make between a weekly letting and a yearly letting, as to amount?—I think that would be as much as a half in a weekly letting.

11848. If it would let for 4*l.* a year, it would let for 6*l.*, taking it by the week?—Yes, in divisions.

11849. You said 34*l.* by the year, this?—Yes.

[The Witness withdrew.

Thomas Prandy called in and sworn; Examined by Mr. *Cockburn.*

11850. ARE you a smith?—Yes.

Thomas Prandy.

11851. Do you know Murphy?—Yes.

11852. Who lives in Tullow-street?—Yes.

11853. He is a smith?—Yes.

11854. Have you occasionally done jobs at his forge?—Yes.

11855. How lately?—Within this last three months.

11856. And how far back; how long have you known the man; how long have you been in the habit of going on the premises?—I have known him these 12 or 14 years.

11857. Have you done work for him?—I have done work for myself and for him.

11858. Have you worked for him within the last year?—Yes.

11859. Have you worked for him since Tracey has been in the premises?—No, but I have done work for myself there since.

11860. You know this forge then well?—Yes.

11861. Do you know the value of the forge to let?—Yes, I know what I would wish to give for one.

11862. Do you keep a forge yourself?—Yes.

11863. With your brother, I believe?—Yes.

11864. Knowing what the value of a forge is in Carlow, what do you consider the value of this forge of Murphy's?—I consider it, with a free access out, and the convenience of the yard he has there, I consider it would be worth 3*s.* a week.

11865. Suppose you took it by the year; suppose you wanted a forge, and you had that yard, and access to the forge; what would you give for it?—I think it would be worth about 6*l.* a year.

11866. You say you worked for him within the last three months?—Yes.

11867. And you have worked for yourself on the premises since Tracey was there?—Yes.

11868. Where did Murphy live at that time?—Since he set the place to Tracey, I understand he lives up-stairs.

11869. Was his name over the inner door?—Yes.

11870. Was his name over the outer door?—Yes, upon a label.

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11871. Have you seen him going up and down stairs?—Yes, I saw his family going up and down stairs.

11872. What did his family consist of?—I know two of his sons, small boys; and I know two of his daughters, and his wife and himself.

11873. Did you see them about the place?—I did.

11874. Did they live up-stairs?—I saw them going up and down stairs, but I have never been up-stairs.

11875. You have seen them going up and down?—Yes.

Cross-examined by Mr. *Wrangham*.

11876. His name is on the label on the outer door?—Yes.

11877. Whereabouts is it?—On the left-hand side, as you go in at the door.

11878. Not over the door, but on the door-post?—Yes, hanging by the door.

11879. Is that the label, with the cross-keys?—Yes, it is.

11880. Upon a plate of some kind?—Yes.

11881. Is it tin or iron, or what?—I cannot say what it is, painted.

11882. It hangs on the door-post, by the side?—Yes.

11883. His name is not over the door, is it?—No, not at present, I think.

11884. When did you leave Carlow?—A month next Saturday.

11885. Was it over the door when you left Carlow; over the door, at the top?—No, I do not think it was.

11886. So you used to go to this forge?—Yes.

11887. How did you go to it; walk through the passage-way?—Of course I walked through it.

11888. Then it was open for every body to walk through?—Of course.

11889. What size is the forge?—I dare say it is about between 12 and 14 feet wide, and 26 feet long; there is room for two pair of bellows, and three vices at one bench, and frequently one vice at another.

11890. The yard is not a big one, is it?—It is not broad, but it is long.

11891. Does the forge occupy the length of the yard?—Not all out the length of the yard.

11892. How much is it that it does not occupy?—There is a place for the sweepings and cleaning below, and a private place as a necessary below, at the lower end.

11893. That is all, is it?—Yes.

11894. I mean there is nothing but the necessary; we must not be particular about these words here; there is nothing but the necessary and forge?—There is a room for manure and sweepings.

11895. Where is that?—That is at the lower end of the yard.

11896. At the lower end, beyond the forge?—Yes.

11897. The forge comes up to the end of the house?—Not quite; there is a dwelling between the forge and the wall of the house.

11898. What is that?—I do not know any thing about that; I saw it is there, like a kitchen.

11899. Is that in Murphy's occupation?—I cannot say whether it is in Murphy's occupation now or no.

11900. Have you seen any body in it?—O, it was repairing when I was there last.

11901. Have you known any body making use of it?—No.

11902. You have been there constantly for 12 or 15 years?—No, not constantly; I have known it for 12 or 15 years.

11903. You have known this place for 12 or 15 years?—I have known Murphy.

11904. How long have you known his house and premises?—I have known it as long as that.

11905. You have known it 12 or 15 years?—Yes.

11906. You have been in the habit of going in and out frequently during that time?—Yes.

11907. Have you ever seen the room you spoke of, or dwelling between the forge and the house, occupied by any person?—I have not, for I very often saw the door shut; I never opened any door only when I had occasion.

11908. Have you ever seen it employed in any way?—No, not to my knowledge.

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11909. Pray, you say you have lived in Carlow, you said 12 or 15 years?—
Yes.

11910. Where have you lived in Carlow during that time?—I have lived in different parts of Carlow.

11911. Have you ever lived in one on Castle-hill?—Yes.

11912. What house is that?—Sir?

11913. What house was that you lived in?—I lived in more houses than one.

11914. You lived on Castle-hill, did you; did you ever live in a house that was afterwards occupied by a man of the name of Burn?—Yes.

11915. When did you leave that?—It is nearly two years ago.

11916. How came you to leave that?—How came I to leave it?

11917. Yes.—Why, I left it; the man who owned it—it was my brother owned the house; I had no call whatever to that house, only I lived there.

11918. How came you to leave it?—I was charged with the rent.

11919. What became of you when you left that house?—He joined me in a process, and I let it go by default, and he took me for the rent.

11920. Were you, in point of fact, charged with the rent, as you say?—Yes.

11921. What became of you when you were charged with the rent?—I was put into prison for it.

11922. How long did you stay there?—I stayed there until I was acquitted by the law; and I would stay there since, sooner than pay what I had no right to pay.

11923. Now, how often were you brought up for a hearing before you were acquitted by the law?—Twice.

11924. The first time you were heard you were not acquitted?—No.

11925. You were continued in gaol?—Yes.

11926. That was by the sentence of the Commissioners, I suppose?—Yes.

11927. Now what would you say was the value of the whole house; you knew Murphy some time ago, I suppose?—Yes.

11928. Did you know the part he was living in?—I knew the part he was living in, but I now understand it is set to Tracey.

11929. That is on the right-hand side?—Yes.

11930. Who was living on the left-hand side?—I do not know; I never went up-stairs.

11931. On the left-hand side; who, when Murphy was living on the right-hand side, who was living on the left?—I passed in; I saw nobody on the left; there is a partition as I passed into the forge.

11932. Can you speak to what is the value of the whole house; the whole under the roof; both that which Murphy occupied, and Tracey occupies now, and that to the left, over the shop to the left, including the shop and every thing else, forge and all, would let for by the year?—I dare say it would, between 24*l.* and 25*l.*

11933. That is the whole?—Yes.

11934. By the *Committee*.] The whole to the roof, loft, forge and all?—Yes.

11935. Taking the whole thing within the outer door, you know; there is an outer door you go through from the street?—Yes.

11936. Taking the whole of the premises, both to the right of that and to the left of that, from the ground to the roof, including the forge and yard behind, you say about 24*l.* or 25*l.* a year?—When I say that, I cannot distinctly say; not being up-stairs, I do not know the value of the rooms, when I have not seen them; I rather speak under value, to be sure in conscience; because I have not seen the rooms, I cannot value them, then.

11937. You know the front of the house?—I do.

11938. Is the street-door in the middle of it?—Yes; I cannot exactly say.

11939. You know the house in front?—Yes.

11940. Imagine yourself in Tullow-street, looking at the front of the house; is the street-door in the middle of that front?—I cannot say further about the front, only just that I found the door when I wanted to go in it, and went.

11941. That is to say, the door was in the front?—Yes.

11942. You told me you have known this place for 12 or 15 years?—Yes.

11943. Can you tell me whether or not the part of the house to the right of the front door is of the same width in front as the part of the house to the left of the front door?—I cannot tell you exactly.

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11944. Did it ever appear to you to be of different breadths, the two sides?—No, I never took that particular notice outside.
 11945. You have often been there?—Often.
 11946. Often to the forge?—Yes.
 11947. Passing and repassing through this hall-way?—Yes.
 11948. Do you mean to say you cannot tell me whether that door is on the middle of the house or on one side of it?—I cannot, indeed.

Examined by Mr. Cockburn.

11949. When you speak of 24*l.* or 25*l.* being the value of the premises, do you include the shop that is to the left of the partition which is occupied by Keogh?—No; I say I do not know the house particularly from the size.
 11950. Do I understand you to speak of Tracey's shop, the room behind Tracey's shop, and the hall and the part which is above, is that what you set at 24*l.* or 25*l.*?—I do not know any thing about the part to the left hand.
 11951. Do you include that part to the left hand?—No; you asked, did I know it was in the centre.
 11952. By Mr. *Wrangham*.] The question is, whether you are speaking of both premises, and including both shops, and all above them, when you speak of 24*l.*?—No, I do not understand the left-hand side of the house at all, and have no knowledge.
 11953. By the *Committee*.] You are speaking of the right-hand side?—Yes.

[The Witness withdrew.]

John Bellew called in and sworn; Examined by Mr. Cockburn.*John Bellew.*

11954. DO you live at Carlow?—Yes.
 11955. What are you there?—Hat manufacturer.
 11956. Do you live in Tullow-street?—I do.
 11957. Do you know the premises in Tullow-street occupied by Murphy?—I do.
 11958. Do you know the forge which is at the back of the house?—I do.
 11959. Are you acquainted with the value of property in Carlow?—Not particularly acquainted with it, but I know the value.
 11960. Do you know the value of property to let?—Yes.
 11961. What would be the value of that to let by the year, that forge?—If I wanted the concern, I would give 6*l.* a year for it.
 11962. Have you known the premises long?—I have known it these 16 or 17 years.
 11963. Murphy is a whitesmith, we understand?—Yes, he is a locksmith.
 11964. He is a respectable man, is he?—Yes, a respectable tradesman.
 11965. Doing a goodish business?—Yes, he does a good deal of business.
 11966. Do you know Tracey?—I do.
 11967. Can you tell me what part Tracey occupies of the house in Murphy's house?—He occupies to the right as you go in; he occupies part of the shop and a little parlour inside.
 11968. Part of the shop?—Yes.
 11969. When you say part of the shop, who occupies the other part?—The other part is occupied by a man of the name of Keogh.
 11970. You mean on the left-hand side?—Yes.
 11971. They are separate shops?—Yes.
 11972. When you say part of the shop, you mean he has the shop on the right?—They are separate.
 11973. Does Murphy occupy any part up-stairs, do you know?—He does.
 11974. Have you been on the premises?—I have.
 11975. Since Tracey has been there?—Yes.
 11976. Tell us what part Murphy occupies above?—He occupies three on the top of the house, and one on the centre floor.
 11977. By the *Committee*.] Does that make four rooms?—Yes.
 11978. Are the three rooms on the top of the house the whole of the top of the house; do the three rooms he occupies at the top, do those three rooms compose the whole of the top story?—They do.
 11979. Go on to state what you were about?—There is a schoolmaster in the centre room of the three up-stairs.

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11980. What do you mean, Mr. Bellew, that Murphy occupies the three rooms ; you say there is a schoolmaster in one of them?—Yes.

11981. What is he ; is he a tenant of Murphy's, or what is he?—I do not know that exactly.

11982. In which room is the schoolmaster?—In the centre of the three rooms.

11983. On the top story?—Yes.

11984. Murphy has the rooms to the right and left?—Yes.

11985. By the *Committee*.] You said Murphy occupied all the three rooms on the top floor ; what do you mean by saying that Murphy occupies the three rooms ; then you say a schoolmaster has one ; how do you reconcile that?—There is a schoolmaster in one ; I do not know whether he rents it, or makes him a present of it, or what.

11986. Do you know the centre room to be Murphy's room?—Of course it must be Murphy's.

11987. But why?—I cannot exactly say whether this man rents the room or not, or whether he makes him a present of it.

11988. Why do you say the room must be Murphy's?—Of course I think it is Murphy's when it is on the top part.

11989. Is it Murphy's house?—It is Murphy's house.

11990. The house being Murphy's?—Yes.

11991. Does the schoolmaster live there?—He does.

11992. Does he sleep there?—I think he does ; I cannot exactly say he sleeps there or not ; I am not sure of that ; I know he teaches school there in the day-time.

11993. You have spoken of a room on the centre floor Murphy occupies ; which room is that, to the right or to the left?—Why, when you land on the first lobby, it is to the right, over Keogh's shop.

11994. Have you known Murphy some time?—Seventeen or 18 years.

11995. Have you been in the habit formerly of going to those premises to see him?—I have been often in and out.

11996. Do you know whether he occupied those top rooms for some time past?—I cannot exactly say that.

11997. Perhaps you did not go to the upper part of the house?—Some time past?

11998. Yes.—Yes, I was in the upper part of the house lately.

11999. Were you in the upper part of the house some time ago, before Tracey came there?—No, I was not.

12000. What do you consider the value of those four rooms that he occupies ; the room on the centre floor and the three rooms up-stairs?—I think the three rooms up-stairs ought to be worth 1*s.* 2*d.* a week.

12001. Do you mean each of them, or all three?—Each of them ; 3*s.* 6*d.* for the entire three.

12002. What do you consider the value of the centre room?—I think it ought to be worth 2*s.* 6*d.* a week.

12003. Take it by the year ; what do you think it worth by the year?—The three top ones?

12004. No, the centre on the first?—Eight pounds fifteen shillings, I think, the three top ones.

12005. What do you think the centre is worth a year ; the centre room occupied by Murphy?—Six pounds fifteen shillings, I think.

12006. Are you taking it by the weeks ; just tell me whether, in getting at the yearly rent, which you have given at 6*l.* 15*s.*, whether you take that on the estimate of the whole year, or whether you add the weeks up, and make the year in that way?—I make up the year by the weeks.

12007. Does the house let for more, or for less, by the year than by the week?—That I do not know.

12008. You say, in coming to that yearly amount of value, you take the weeks and add them up?—Yes.

12009. Now, the shop, Tracey's shop and parlour, behind the room Tracey has ; what do you set the shop and parlour at?—I do not know what Tracey pays for it.

12010. What should you think them worth?—I think the apartment Tracey occupies, they ought to be worth 10*l.* or 12*l.* a year.

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12011. What do you include in that?—Why, the part that he holds; part of the shop and the place backwards, and the room over that again.

Cross-examined by Mr. *Wrangham*.

12012. How much of that would you put on the room on the first floor, over the shop and parlour of Tracey's?—How much would I put on it?

12013. How much a year; you have said 6*l.* 15*s.* a year for the room over Keogh's; how much for the room over Tracey's on the first floor?—How much for the room that Tracey holds over the shop?

12014. How much for the room over Tracey's shop and parlour; you have said that over Keogh's shop and parlour was 6*l.* 15*s.* a year; how much this?—The room that is over Tracey's place I did not see; I do not know the size of it.

12015. You know the size of the shop and parlour; if there is a room over it the same size as both?—I do not know it is.

12016. Taking that for granted it is the same size as the shop and parlour below?—If it is the same size as the room Murphy holds, it ought to be worth the same thing.

12017. Is Tracey's shop and parlour the same size as Keogh's shop and parlour?—I cannot tell you that.

12018. Is the front door in the middle of the house?—It is.

12019. Quite?—It is.

12020. So there would be the same breadth for one shop on one side as for the other on the other; the same frontage?—Yes.

12021. The shop and parlour on each side would be the same; the ground-floor on each floor would be the same size?—Yes.

12022. And the room over would be the same size?—Yes.

12023. The room over Keogh's shop and parlour you put at 6*l.* 15*s.*?—Yes.

12024. Taking the room on the other side to be of the same size, it would be of the same value?—I think, if it is the same size, it would be of the same value.

12025. You did see the shop and parlour, and those are of the same size?—Yes.

12026. What value did you put on Tracey's shop and parlour?—For the shop and parlour, exclusive of the room?

12027. Without the room above; the ground-floor, the shop and parlour behind?—Why, I think it ought to be worth 8*l.* or 9*l.* a year; the shop and parlour, it ought to be good worth.

12028. Do you mean by saying 8*l.* or 9*l.*, it may be worth 8*l.* or worth 9*l.*?—It would be good value for 8*l.*

12029. Do not you think, at all events, 9*l.*?—Eight pounds or 9*l.* a year.

12030. What do you mean by 8*l.* or 9*l.*; do you think you mean it would let for 9*l.* a year?—I think it is good value for 8*l.*

12031. Do you think it would let for 9*l.*?—It might let for 9*l.*

12032. Then Keogh's shop and parlour the same, I suppose?—I think that is let for more.

12033. You think that is let for more?—I do.

12034. Do you think it is worth more?—I think it is worth that, at all events.

12035. Do you think it is worth more?—He pays more rent for it.

12036. Do you think it is worth more; you are speaking on value; do you think Keogh's shop and parlour is worth more than Tracey's shop and parlour?—Why, I did not exactly see Keogh's, but I know it is worth 9*l.* a year; I know it is set for a good deal more than that.

12037. Do you think it is more valuable than Tracey's?—No, I do not think it is.

12038. What is it set for, if you know?—I do not know exactly, but I think it is set for 10 guineas a year.

12039. Would that form any guide to you as to the value of Tracey's part; if Keogh's, the same size, let for 10*l.*, do you think Tracey's would let for 10*l.* a year?—It depends on the way it is set; you know it all depends on the way it is taken in that way.

12040. Do you think it would let for as much as Keogh's lets for; is it worth as much to let as Keogh's is?—Yes, I think it is.

12041. Keogh's, you say, is let for 10 guineas?—I am not certain, but I think it is let for that; I do not know whether he pays more for it.

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12042. I am not asking you what he pays?—I do not know exactly what he pays ; but I know he pays that, if not more.

12043. The forge you put at 6*l.* a year?—Yes.

12044. Do you put any value on the hall?—The hall-way goes into Murphy's place ; it is his hall.

12045. Do you put any value on the hall?—No, I do not put any value on the hall.

12046. Do you think it is worth nothing?—If it is worth any thing, it is for his accommodation, going backwards and forwards to the forge.

12047. Is it for his accommodation also?—I believe the other people have liberty through the hall.

12048. Equally for the accommodation of all the inmates of the house?—Yes.

12049. And the staircase?—Yes, they all pass in and out through the hall, of course ; they cannot get up-stairs without passing in and out through the hall.

12050. Have you seen Murphy's name about the premises?—I saw his name over the cross-door, on a brass label on the door.

12051. That is the inner door?—Yes, the door inside the street-door ; the cross-keys on the door.

12052. On that door?—Yes.

12053. Is that on the same plate?—No, his name is on the same plate as the cross-keys on the label ; and the cross-keys are painted on the door.

12054. On the inner door or outer door?—The inner door, the door inside the street-door.

12055. They are not painted on the outer door?—His name is over the outer door, on a label.

12056. With the cross-keys?—I do not know whether the cross-keys are on the label or not ; cross-keys are painted on the inner door.

12057. You have seen the outer door as recently as you have seen the inner door?—I took particular notice of the inside door.

12058. I want to know whether you can take on yourself to say Murphy's name is over the outer door?—I do not know that.

12059. Can you take on yourself to say whether it was put over the outer door, but on the side at the door-post?—His name is on a brass label, on the inner door.

12060. I am speaking of the outer door?—I did not take particular notice of that.

12061. Do you mean to tell the Committee you do not know whether Murphy's name has been on any part of that door or door-way ; the outer door?—I did not take particular notice.

12062. Did you never take notice?—No.

12063. You cannot tell the Committee, now, whether Murphy's name has ever been on any part of that?—I did not take particular notice of that ; if I did, I would state it in a moment ; I did not take notice of it.

12064. Is there any label on the outer door or door-way?—He has a label outside the door.

12065. Who has?—Murphy.

12066. A label outside the outer door?—Yes.

12067. First of all, where is it?—It is on the side of the door, as you go in ; a label outside the door.

12068. That is to say, a plate?—Yes.

12069. What is there on that label?—"Murphy, Smith," I think, what is on it.

12070. Any cross-keys?—I did not take notice of that ; I saw the label ; coming up and down the street, I saw the label out.

12071. And you saw the name?—Yes.

12072. Do you mean to tell us also you did not see the cross-keys?—I did not take notice of it.

12073. Where is Tracey's name?—Tracey's name?

12074. Yes.—I believe Tracey's name is outside the door ; I am not sure ; I did not take particular notice of that ; the only thing I took particular notice of was the cross-door going in, where Murphy's name is in two places.

12075. You said 6*l.* a year for the forge?—I would give 6*l.* for the forge, if I wanted one.

12076. Do you mean 6*l.* for the yard and forge?—The forge as alone.

12077. You say for the yard and forge?—Or for the forge alone, if I wanted it.

12078. Which do you mean?—I mean the forge and yard.

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12079. Now, you mean the forge and yard ; is that what you value at 6*l*?—Of course the forge would be of very little use without the yard ; how could a man get into it without the yard.

12080. You would not give 6*l*. for the forge without the yard, would you?—Both the yard and forge.

12081. Do you include, in the value you are giving, all the yard and its contents?—Yes.

12082. The concerns outside the back door?—Yes.

12083. You have lived some time in Carlow?—Yes, 18 or 19 years.

12084. Have you resided in the same place all that time?—In the same house I am now living in?

12085. Yes.—In the house I am living in ; I am living 13 years in it, or 14 years.

12086. Did you ever reside in any house in Bridewell-lane?—I had a factory there ; a workshop there ; I paid 4*l*. a year.

12087. What did you work at?—As a hat manufacturer.

12088. Have you never been in any other house in Bridewell-lane except the hat manufactory?—No, never in my life ; the house I am now living in I lived 14 years.

12089. Is there not a certain large building in Bridewell-lane?—A large building?

12090. Yes.—What do you mean by that?

12091. Why, the gaol.—I know the gaol very well.

12092. Have you ever been inside it?—I have.

12093. You have resided there, have you not?—Resided in it?

12094. Yes.—I was not in it more than, I believe, 24 hours, and that was for a debt ; and I believe that is no disgrace.

12095. Were you not discharged as an insolvent debtor?—Never in my life ; never was an insolvent ; the debt I owed I paid it honestly and fairly ; and I have never been an insolvent in my life.

12096. You were in this gaol?—Only for a very short time ; never was an insolvent debtor.

Re-examined by Mr. Cockburn.

12097. You have been asked a good deal about this plate ; is it a movable plate?—I do not know ; I cannot say.

12098. Has it become necessary for people to have their plates movable in Carlow of late?—I never knew it to be the case for any one removing the plate.

12099. Has it been the practice of certain classes of gentry in Carlow to tear off knockers at night, and pull people's plates down?—That has been done at different times, of course.

12100. Do you know many people have in consequence adopted the fashion of having movable plates instead?—I do not know of it.

[The Witness withdrew.

Patrick Dalton called in and sworn ; Examined by Mr. Cockburn.

Patrick Dalton.

12101. DO you know these premises in Tullow-street, which are occupied by Murphy?—Yes.

12102. Have you frequently been in them?—I have very frequently since March.

12103. Have you been up-stairs?—I have.

12104. Who occupies the rooms on the top story?—John Murphy.

12105. How many rooms are there?—Three in the garret part.

12106. Does he occupy those?—Two of them.

12107. Who is in the third?—A man of the name of Hooligan ; he keeps a school.

12108. Have you a child who goes to school to him?—I have.

12109. Do you know whether two of Murphy's children go to school to him?—Yes, I believe there is.

12110. Do you know whether the man occupies under Murphy or not?—Murphy occupies the large room under it.

12111. Does this schoolmaster, to whom your child goes to school, and who occupies one of these rooms ; does he occupy under Murphy?—Yes.

12112. Is

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12112. Is he a tenant of Murphy's?—Yes.
 12113. Do you know whether he pays rent or not?—I understand he pays by teaching.
 12114. Do you know any thing about it?—He is teaching the children.
 12115. By Mr. *Wrangham*.] Do you know any thing about it?—Yes; he teaches the children.
 12116. By Mr. *Wrangham*.] Do you know it only from hearsay?—From himself.
 12117. By Mr. *Wrangham*.] From whom?—From Hooligan himself.
 12118. Do you know the whole house is Murphy's?—I do; he has some of it set.
 12119. How long has that schoolmaster been teaching in that room; how many years?—I believe for four; to my own knowledge, four; he may be more, but I know, to my own knowledge, he is four years.
 12120. Does Murphy's family live in the other rooms?—Yes.
 12121. Has Murphy been living there long?—In that house?
 12122. In the house on those premises; how many years has he been there?—Longer than I can remember, he has been in that house.

Cross-examined by Mr. *Wrangham*.

12123. He has been living on these premises for several years?—Yes.
 12124. Have you taken books there too?—No, sir; I go sometimes to see; when I want the boy I go to the schoolmaster for him.
 12125. Perhaps you can tell me how long Murphy has been living in the other two rooms; in the room below; the room on the first floor over Keogh's shop?—Yes.
 12126. How long has he been living there?—He has been in it, to my knowledge, since the 1st of March last.
 12127. Have you ever seen him there before?—I have known him always to own the room; to occupy.
 12128. Have you known him to occupy that room over Keogh's shop before March?—I did, sir.
 12129. Now, when?—That room was set some time back before; there was a dress-maker living in it.
 12130. I ask you whether you have known him (Murphy) occupy the room before March; then you tell me about a dress-maker; Murphy is not a dress-maker?—I know him to own the house; but I know him to be in it since the commencement of March; to be himself and his family, to eat and drink in it.
 12131. Have you known him to be there before with himself and his family?—I have not.
 12132. Was not Fiery in it before?—In the drawing-room?
 12133. Yes.—No, Fiery had an under part.
 12134. Do you mean to say Fiery had not that room over Fiery's shop?—Is it Murphy's?
 12135. Over Fiery's shop.—He had a room backwards.
 12136. Had he not the room over it?—No.
 12137. Do you mean to state that here?—I say he had a room backwards, a parlour.
 12138. Do you mean to say he had not the room over the shop too?—There is only two rooms in front in the upper part.
 12139. Do you mean to say he had not the rooms over his shop and parlour, Fiery?—I never knew him to have it.
 12140. Do you know who had it when Fiery was living there?—Murphy had it.
 12141. How do you know that?—Because my little boy has been going these two years back to school; I had the opportunity of knowing it; Fiery had a room, but it is backwards, over a parlour that is behind.
 12142. Fiery had a shop and parlour on the ground-floor?—Yes.
 12143. Now, then, over that shop and parlour on the first floor, is there one room, or are there two?—One over the parlour behind.
 12144. Is there one room, or are there two over the shop and parlour; first floor over Fiery's shop and parlour?—There is a room over Tracey's, a small room over Tracey's shop.
 12145. I am speaking to Fiery's; is there one, or are there two rooms over

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Fiery's shop and parlour?—There is but two rooms that I have seen in front, that is, a large room that is behind.

12146. I am asking you again (and the question is a plain one), is there one room, or are there two rooms over Fiery's shop and parlour?—There is one room over the parlour.

12147. Over his shop what is there?—There is a room, but it is not Fiery's, and never was.

12148. Is that another room; are there two rooms on that floor over Fiery's?—Yes, but not belonging to Fiery.

12149. Answer the question, and do not think of the consequence; are there two, or is there only one room on the first floor over Fiery's shop and parlour?—Over his shop there is one room.

12150. Is there another over his parlour?—There is backwards.

12151. Is it over his parlour?—It is; there is one over his parlour.

12152. Does one and one make two; and is the room over the shop, and the one over the parlour two rooms or one room?—But they do not belong to him; the room over the parlour belongs to him.

12153. You are not a party, but a witness; I am asking you what there is; do consult your memory; is there or is there not?—There is two rooms on the first landing, one over Tracey's and one over Fiery's shop, and over the hall.

12154. Is there, or is there not, one room on the first floor over Fiery's shop, and another room on the first floor over Fiery's parlour behind the shop; now, come, sir, why do you wait in answering a simple question like that?—Behind there is two rooms; there is but two rooms on the first floor, but there is a room over the parlour behind.

12155. Is that on the first floor?—I suppose it is.

12156. Have you any doubt of it?—I have not; but it has no communication with the front.

12157. I do not say any thing about a communication; answer my question, pray, and speak the truth?—I will, and nothing else.

12158. I ask you again, are there two rooms, or is there only one room over Fiery's shop and parlour on the first floor?—I believe there is two rooms, but one is behind, and the other is in front.

12159. The parlour is behind, and the shop is in front?—Yes.

12160. The two rooms up above are entirely; one must be behind over the parlour, the other is over the shop?—Yes.

12161. Is that so or not; there are two rooms on the first floor over Fiery's shop and parlour?—Then there must be three rooms on the first floor; there is another to the left, a large one.

12162. I am speaking of Fiery's?—Because Fiery has his place to himself.

12163. Do not you be thinking of the consequences of your answer; answer the question plainly and simply, as a matter of fact?—So I am.

12164. There is half the space on the ground-floor; is Tracey's to the right; is it not?—To the left, as you go up.

12165. Tracey's to the left as you go up?—On the right as you go in; but when you go up-stairs, it is to the left.

12166. I am speaking of the ground-floor?—On the ground-floor, it is to the right, and the hall in the centre.

12167. Now, put out of your imagination altogether all about Tracey's, and all above Tracy's, and apply yourself merely to that which is on the left-hand side of the door as you go in; there is a shop, and a parlour behind it, which was Fiery's?—Yes.

12168. Over that shop and parlour, are there two rooms on the first floor; how do you answer that question?—There is two, and one goes over Fiery's shop, and the other goes over Tracey's shop.

12169. I am asking you entirely about that on the left-hand side, and nothing to do with Tracey's, or what is over Tracey's; is there, or is there not, one room or two rooms over the shop and parlour of Fiery?—I am so well convinced of the house, I have been so often in it, that there is but the one room that is over the hall, and over Fiery's shop, and there is the room on the same floor; that is, behind; that is, over Fiery's parlour.

12170. Then there are two rooms on the first floor over Fiery's?—The big room is over the shop, and the small room is over the parlour.

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12171. Then, if any body has been here, and has sworn there is only one room on that floor over Fiery's, he has sworn that which is not true ; is that so ?—What, sir, I do not understand you.

12172. You told me that there are two rooms on the first floor over Fiery's shop and parlour ?—One behind, and two in front ; there is only two rooms in front in the length of the whole house ; but there is one behind, over the parlour.

12173. Do not fence with me in that way ; I am asking you what rooms were over Fiery's parlour ; there is one room over his shop, and one over his parlour ; is that so ?—But they have no connexion together, recollect ; Fiery's place——

12174. Do not be afraid of telling the truth ?—I am not ; Fiery's place is to itself.

12175. I am not asking you whether Fiery's place is to itself ; I am sorry to give the Committee the trouble ; they see the necessity I am placed in ; are there, or are there not, on the first floor over Fiery's ?—There is one in front, and one over the parlour.

12176. If any body has been here, and has sworn that there is only one room on the first floor over Fiery's, he has sworn that which is not true ; if any body has sworn there is only one room on the first floor over Fiery's, he has sworn that which is not true ?—I say there is one room over Fiery's, and the hall and the shop, which has no connexion with the back room at all ; the other room is over Tracey's.

12177. You are not arguing the case, but you are to answer the question ?—I am telling you and giving you as fair as I can, knowing it, being cognizant of it.

12178. If any body has sworn here that there is only one room, and not two rooms upon the first floor, over Fiery's shop and parlour, he has sworn that which is not true ?—I do not know what any one has sworn ; this much I know, there is two rooms in front, and there is a room that is off behind, over Fiery's parlour.

12179. Do not say any thing about the room over Tracey's ; one of those front rooms is over Tracey's ; confine yourself to the rooms over Fiery's ?—Fiery's place was in itself, both above and below.

12180. I am not asking whether Fiery had them or not ; I am asking you as to the situation of the rooms ; you say there are two rooms ?—There are two in front and one over the parlour.

12181. Are both rooms in front over Fiery's ?—Yes ; one is over Fiery's parlour.

12182. Is there the same way, one over Tracey's ; are there two rooms in the first floor over Tracey's ?—No, there is only one room over Tracey's parlour and shop.

12183. That goes the whole length ?—Yes ; the one over Fiery's is over the shop and the hall, and the other is over the back parlour ; one room is over Tracey's shop and parlour.

12184. Going up to the second floor ?—That is the garret.

12185. How many garrets are there ?—There are three rooms.

12186. Three garrets ?—Three garrets.

12187. Do you mean three garrets ?—Make what you like of it ; there are three rooms.

12188. Are they three garrets or three rooms ; are they in the roof of the house ?—The three highest rooms in the house.

12189. Highest, because it is a sloping roof ?—It is a three-story house.

12190. Is it the roof of the house that forms the tops of the rooms ?—Yes.

12191. In the middle part, it is the highest room in the house ?—I am telling you the three rooms are the three garret rooms.

12192. How long have you known Murphy occupying the room over Fiery's shop, himself and his family ?—I knew the house, I suppose, these eight or nine years ; I have known him to have that large room set to a dress-maker about two years ago.

12193. I am asking you how long you have known Murphy to occupy that large room you spoke of, with himself and family ?—Since before the 1st of March.

12194. That is when he came to occupy it ; about it, is it ?—Yes, when he set the under part to Tracey ; when he set the shop and parlour to Tracey ; then he came to occupy that, and holds that and two rooms above in the garret.

12195. He came to that room about the 1st of March ?—Yes, that is as near as I can think ; as near as I can judge ; I did not take any particular notice, because I had no idea of being asked any question about it.

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12196. The schoolmaster, you say, had been in this room four years?—Yes, that I have known.

Re-examined by Mr. Cockburn.

12197. You have said there are two rooms over Fiery's part of the premises; one over the shop, which is the large room?—Yes.

12198. And one over the parlour?—Yes.

12199. Did Fiery at any time, within the period you have known and been in the habit of frequenting the premises, occupy either of those two rooms?—I have known him to occupy the one over the parlour, but I never knew him to occupy the large one.

Examined by the Committee.

12200. When Fiery was there, did you ever know a milliner occupy any one of those rooms?—Only the room over his parlour.

12201. Did you ever know a milliner occupy the room?—The large room I did, about two years ago.

12202. That was the front room?—The big front room; there were two sisters, dress-makers; I recollect them occupying it about two years.

12203. You stated there was no communication between the two rooms over Fiery's shop and parlour?—There was, some years back; but these two or three years or better it has been made up, and Fiery had his place altogether to himself.

12204. How many years ago is it since the communication between the two rooms was stopped up?—I think it is three; it is three at least.

12205. You are sure there was no communication last January?—I am sure there was not the smallest, nor long before it.

[The Witness withdrew.]

Mr. Cockburn stated they proposed to put in the notice of Tracey for a license.

Mr. Wrangham stated he would admit the notice without further proof.

[The Notice was handed in, and was as follows:]

Sir,

You are requested to take notice, I intend applying at the next quarter sessions of Carlow, for a certificate to enable me to a license for retailing spirits and beer, at my residence, number 124, Tullow-street, in the town of Carlow and barony of Carlow and county of Carlow; and my sureties are Edward Tracey and John Ivers, both of Tullow-street aforesaid. Dated 11 March 1839.

Thomas Tracey.

Addressed to the clerk of the peace of the county of Carlow.

Mr. Cockburn was heard to sum up the case in support of the vote, and stated that there were three views in which the house, out of which the question arose, might be considered: First, that the whole house was only one; secondly, that they were two distinct houses; thirdly, that the shop and parlour which had been in the occupation of Fiery, now in the occupation of Keogh (having no communication with the rest of the premises, except through the shop-door in the street, and so through the hall-door of the passage), was in itself a separate house, and all the rest of the premises another house. In this case the voter, he stated, was registered for a dwelling-house, outhouses and premises, and being the lessee of the house, and as he had continued in possession of some part of the premises from the time of the registry to the time of polling, the other parties occupying the remainder must be treated as lodgers, and the voter, in point of law, treated as the occupier of the whole; and it therefore was a matter of indifference how frequently he changed his occupation of the different rooms, so that he had at all times, since the registry, continued in possession of some part. He further submitted, that the question whether a house was one or two houses, according to the cases collected in Rogers, pages 152 & 153, and collected in Deacon's Criminal Law, depended on whether there was a complete severance, and no internal communication. In this case there was no severance as to any part of the premises, except

the shop and back room of Fiery. And the voter having continued in possession of some part, and occupied, in contemplation of law, the whole for which he was registered, the vote was a good one; but supposing him entitled to poll only upon that portion of that for which he registered, that which remained in his possession at the time of polling was of 10*l.* value, and therefore upon that footing he was entitled to vote, and his vote was a good one.

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Mr. *Wrangham* was heard to sum up the case against the vote, and stated the questions in this case were two: First, out of what did Murphy register; and, secondly, whether the part he retained of that for which he registered was of sufficient value to entitle him to vote. The learned Counsel contended that it was clear, from the evidence, that the voter had parted with the property for which he had registered to Tracey, previous to the election; and submitted, from the position of the premises, Tracey's holding was to be considered as a separate house; that Keogh's holding was another, and that what remained in the possession of Murphy of that for which he registered at the time of the election was not of 10*l.* value. To support the proposition, that the premises were to be treated as constituting more houses than one, he quoted Bryan Kearney's case, reported in Allcock's Registry cases in Ireland; and having referred to the fact of Tracey being a publican, and the necessity, therefore, of his being the owner of the house in which he lived, to enable him to sell spirits in it, submitted that he had proved that Murphy did not, at the time of the election, retain of the qualification for which he registered property of 10*l.* value, and therefore that it was a bad vote, and should be struck off the poll.

Mr. *Cockburn* rose to comment on the case of Bryan Kearney, when the *Chairman* stated the Committee must now adjourn.

[The Committee adjourned till To-morrow, at Eleven o'clock.]

Veneris, 31^o die Maii, 1839.

GEORGE GROTE, ESQ., IN THE CHAIR.

The Names of the Members were called over—all present.

CASE ON THE VOTE OF JOHN MURPHY RESUMED.

Mr. *Cockburn* was heard to comment on the case of Bryan Kearney, reported in Allcock's cases, and to contend that, as in that case, the owner of the house did not reside in it; and the voter, who was decided to be entitled to the franchise, was shown to have the key of the outer door; that that case was not applicable to the one under consideration.

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The room was cleared.

The Committee deliberated.

Counsel and Agents were called in, and informed by the *Chairman*, "That the Committee had resolved that the vote of John Murphy is a bad vote, and that it be struck off the poll."

Mr. *Wrangham* stated that he had an application to make to the Committee with regard to the vote of James M'Donald, which was decided to be a good vote; that the Committee would consent to reconsider their decision in that vote in any mode in which the Committee would choose, either by reconsidering it among themselves, or by hearing arguments upon it.

The *Chairman* stated, it seemed to be a singular application, and wished to know what precedents there were for the application.

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Mr. *Wrangham* stated there were authorities for the application he had made; and the learned Counsel referred to the following cases as supporting his proposition. The case of George Jewell, in the Fovey case, reported in Corbet & Daniel; a case on the Lincoln City Petition, Perry & Knapp, 378; a case in the Kingston-upon-Hull Petition, Knapp & Ombler's Reports, 429; a case in the Youghal Committee; a case in Faulkner & Fitzgerald's Reports; and a case in the Shaftesbury Committee, reported in Faulkner & Fitzgerald's Reports, page 365. Mr. *Wrangham* further stated, that the ground of his making the application in the present case was, the Committee having in the last case (that of John Murphy) resolved that was a bad vote. The case of M'Donald (although one of the same description) was of a much more objectionable nature than Murphy's, and the decision in that case of M'Donald's had been come to before a full consideration of the law applicable to the case.

Mr. *Austin* was heard in opposition to Mr. *Wrangham*'s application, and admitted it was quite competent for the parties to make the application, and competent for the Committee to accede to it; but contended that the cases quoted were not applicable to the present case. All those cases were of this description, where the decision of the Committee upon one vote would completely regulate the decision of the Committee in a large class of cases upon application, the Committee had agreed to have such a case re-argued. The only case which bore the resemblance of a re-hearing of a vote standing upon its own particular facts, was the case of Kingston-upon-Hull; and in that case, after the Petitioners had retired from the contest, both parties agreed to request the Committee to rescind their resolution in that case as to one vote, it not being founded in law. In the Dublin Committee, in Faulkner & Fitzgerald's Reports, page 193, the Committee refused to reconsider a case upon an application, and distinctly stated they would not do so. So also in the Shaftesbury Committee, Faulkner & Fitzgerald, page 372, the Committee refused to reconsider the case of four voters dependent upon the evidence of a witness who, it was stated, had been subsequently proved to be unworthy of belief. In the Youghal Committee, they had refused to reconsider the case of a vote, as did likewise the Committee in the Wigan, which was the last decision upon the subject, and therefore the learned Counsel submitted no ground had been made for the application, and he trusted the Committee would not comply with it.

Mr. *Wrangham* was heard to reply.

The room was cleared.

The Committee deliberated.

Counsel and Agents were called in, and informed by the *Chairman* the Committee had resolved, "That no sufficient ground has been laid to induce the Committee to reconsider their decision as to the vote of James M'Donald."

Mr. *Wrangham* stated they proposed to remove from the poll of Mr. Gisborne the vote of Michael Byrne.

CASE UPON THE VOTE OF MICHAEL BYRNE.

The voter stood 48 on the poll; described as voting for Castle-hill; house and concerns.

Alexander John Humfrey, Esq. called in and sworn; Examined by Mr. *Wrangham*.

A. J. Humfrey,
Esq.

12206. DO you produce the affidavit of register of Michael Byrne?—I produce the affidavit of Michael Byrne.

[The Affidavit of Register was handed in, and was as follows:]

HOUSEHOLDER, 10^L. BOROUGH.

A. J. Humfrey,
Esq.

31 May 1839.

OATH to be taken by Householders registering as Voters in a Borough, pursuant to the
2 & 3 William IV. c. 68.

At a general quarter session, holden at Carlow, in the county of Carlow, on the 22d day of June, in the year of our Lord 1837, by and before the assistant-barrister, of and for the county of Carlow, I, Michael Byrne, of Castle-hill, pensioner, in the borough of Carlow, do swear that I am, and have been for six calendar months last past, in possession and actual occupation of the house and concerns, situate at Castle-street, in the said borough of Carlow; and that the said premises are *bonâ fide* of the clear yearly value of not less than 10^L., and that not more than one-half year's grand jury or municipal cesses, rates or taxes, are now due or payable by me in respect to the said premises or any part thereof.

his
Michael + Byrne.
Mark

Sworn and subscribed before me in open court, this 22d day of June 1837, at Carlow, having been first truly read and explained by me to the said Michael Byrne, previous to swearing same.

John R. Corballis, Assistant-barrister.

Joseph Meagher.

BOROUGH OF CARLOW.

ENTRY OF CERTIFICATE OF REGISTRY.

THIS is to certify that Michael Byrne, of Castle-hill, pensioner, in this borough, was this day duly registered before me as a voter for this borough in right of his house and concerns, situate at Castle-street, in this borough. Dated, this 22d day of June 1837, at Carlow.

John R. Corballis, Assistant-barrister.

Certificate, No.

A. J. Humfrey, Clerk of the Peace.

Cross-examined by Mr. Cockburn.

12207. Are there any other Michael Byrnes?—There are.

12208. Are Castle-street and Castle-hill the same place?—I cannot say.

Upon the list of objections given in on the part of Mr. Bruen, the voter stood described as "Michael Byrne, of Castle-hill."

Mr. Cockburn stated he objected to this case being gone into; the voter by his affidavit swears, and the register states, that he was registered for property in Castle-street, and the objection is to Michael Byrne's registration out of property in Castle-hill; there was not therefore sufficient identification of the party intended to be objected to; and in conformity with the decision of the Committee in the case of Matthew Jenkinson, he submitted the case could not be proceeded with, as no specific objection had been taken.

Mr. Thesiger was heard against the objection, and to contend that there was no analogy between this case and the case of Matthew Jenkinson; in that case there were two Matthew Jenkinsons; in this case they had objected to the voter Michael Byrne according to the description given of him upon the poll, and there could be no question as to his being the party intended to be objected to.

The Chairman stated that the Committee were of opinion that the identification of Michael Byrne was sufficiently shown, and that the case might proceed.

Mr. Humfrey examined by Mr. Wrangham.

12209. Was that the claim on which Michael Byrne, of Castle-hill, was registered?—[Handing a paper.]—Yes, I found that among the notices of June 1837.

12210. By Mr. Cockburn.] Does that notice come out of your possession?—Yes, it does.

Mr. Wrangham stated this was the notice which a party was bound by the 15th section of the Irish Reform Act to give, to entitle him to register.

Mr. Cockburn was heard to submit that this notice could not be used as evidence, and contended that the only evidence to show what a party

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registered for was the affidavit and certificate of register, and this notice was therefore not relevant to the question, and it could not be received to contradict the register, which was, in fact, the affidavit and certificate.

Mr. *Thesiger*, in answer, submitted that the question was whether it was not admissible to explain the affidavit of register; the object of producing the notice was to show that the voter claimed to register in respect of property in Castle-hill, and in that notice he states his property to be there situate, and that as the affidavit stated it differently, this notice was receivable to explain it.

Mr. *Cockburn*, in reply, contended that if the notice was received, it must be with the clear object of contradicting the affidavit of register, which would in reality be opening the register.

Mr. *Thesiger* stated they had given notice to the voter to produce his certificate of register, and that they were prepared to prove that on the 23d of April he had been personally served with that notice.

Mr. *Cockburn* stated, for the purpose of the present argument, he would assume that to be the fact.

The room was cleared.

The Committee deliberated.

Counsel and Agents were called in, and informed by the *Chairman* the Committee had decided, "The notice to claim to register sent in by Michael Byrne, in 1837, may be produced in evidence."

[*The Notice was handed in, and was as follows:*]

To the Clerk of the Peace for the County of Carlow.

Sir,

TAKE NOTICE, That it is my intention to apply to be registered as a person entitled to vote at elections of a Member or Members to serve in Parliament, for the borough of Carlow, and the particulars of my claim are as follows:—

Name, Description and Residence of Applicant.	In what Right Claiming.	Description of Property, if the same be in respect of Property: Name of Barony, Townland, Parish, Street, or Denomination or Place, where situate.	Yearly Value to be Registered.
Michael Byrne, Pensioner, Castle-hill.	Householder.	- - House and Concerns, Castle-hill, Town of Carlow, Parish of Carlow, County Carlow.	10 <i>l</i> .

Dated 30th day of May 1837.

(signed) *Michael Byrne.*

Mr. *Humfrey* again called; Examined by Mr. *Thesiger*.

A. J. Humfrey,
Esq.

12211. WE have had this book produced before and explained by you, it contains the notices of application to be registered, which are lodged with you under the Act of Parliament?—A summary of the notices.

12212. The notice that is delivered will find its way here?—Yes.

[*The entry from the book was put in, and was as follows:*]

Quarter Sessions, June 1837, Michael Byrne, pensioner, Castle-hill. House and concerns, Castle-hill, appearing registered.

James Brennen called in and sworn; Examined by Mr. *Thesiger*.

James Brennen.

12213. DO you know Michael Byrne, of Castle-hill?—Yes.

12214. Did you serve him with any notice like that?—[*Handing a paper to the Witness.*—I did.

12215. On what day?—On the 23d of April 1839.

12216. How did you serve him?—Personally.

12217. You

12217. You gave it to him himself?—Yes.

James Brennan.

Cross-examined by Mr. Cockburn.

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12218. Where did you serve it?—In his dwelling-house at Castle-hill.

12219. He lives there, does he?—Yes, he lives up-stairs in a room.

[*The Notice was handed in, and was as follows:*]

CARLOW BOROUGH ELECTION.

In the matter of the Petition of *Thomas Gisborne*, and also in the matter of the Petition of *George O'Ferrall* and others, complaining of an undue Election and Return for the Borough of Carlow.

TAKE NOTICE, That you are hereby required to exhibit and produce, or to send for production, before the Select Committee of the House of Commons to be appointed to try the merits of the said election, on Tuesday the 30th day of April 1839, and every other sitting day of said Committee, the original lease, deed or instrument under which or by virtue whereof you hold or occupy, or claim to hold or occupy, the house, warehouse, counting-house or shop, land or premises, out of which you registered as a householder or voter for said borough; and also all receipts for rent and arrears of rent, from the 29th day of September 1832 to the present time, in relation to such house, warehouse, counting-house, shop, land or premises; and also the original certificate of registry as a voter of the said borough, and by virtue whereof you claimed to vote, or did vote, at the said election, wherein, if you fail, secondary or other evidence will be given of the said lease, deed or instrument, and of such receipts, and of the said certificate, and of the subject-matter and contents thereof respectively. Dated this 20th day of April 1839.

Alexander Bate,

Agent for the Petitioners admitted to defend the Election and Return of Francis Bruen, Esq., the sitting Member, 38, Summer-hill, Dublin.

To Michael Byrne, Castle-hill.

It was admitted the returning officer was bound to initial the affidavit of register, or certificate of register, out of which the elector votes at the poll; and there did not appear to be any initials on the back of the affidavit of registry of Michael Byrne.

Mr. *Thomas Crawford Butler* called in and sworn; Examined by Mr. *Wrangham*.

12220. WERE you present at the registry in June 1837 in Carlow?—I was.

Mr. *T. C. Butler.*

12221. Do you know Michael Byrne of Castle-hill?—I do.

12222. Do you remember his coming up to be registered?—I do.

12223. Do you remember what the premises were which he claimed to register out of?—The house in Castle-hill.

Mr. *Cockburn* wished to know whether the Committee would receive evidence to contradict the affidavit.

Mr. *Wrangham* stated, they offered evidence of the contents of the certificate, which was the original title of the man to vote, and out of which it is clear he voted.

Cross-examined by Mr. *Cockburn*.

12224. You have mentioned the name of Castle-hill as the place where the voter described his premises; is there a Castle-street also in Carlow?—There is.

12225. Is that a separate street from Castle-hill?—It is.

12226. I suppose it is in the vicinity?—Yes, there is a street intervening.

12227. When you say there is a street intervening, is that what you call the Coal-market?—Yes.

12228. Is that where coals are sold?—Yes; it is called by that name.

12229. Is it a considerable sized street?—Yes, it is; it is not very extensive.

12230. Would that be a tolerably accurate description of the locality of the streets?—[*Showing him a sketch.*]—

12231. By Mr. *Wrangham*.] One runs in at one side of the Coal-market, and the other at the other?—Yes, they all run one after the other.

12232. In the same direction?—Yes.

12233. By the *Committee*.] Are they sometimes called Castle-hill, and sometimes Castle-street?—Castle-hill one is called, the other is called the Coal-market, and the other Castle-street.

Mr. T. C. Butler. 12234. By the *Committee*.] Are the names of the two streets put up; is it painted in any way?—I never saw it painted; Castle-street, I think, is.

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Re-examined by Mr. *Wrangham*.

12235. Do you know Castle-street pretty well?—I do.

12236. Do you know whether this voter has or had any house in Castle-street?—I never knew it, or heard of it.

12237. You have lived in Carlow for some time?—I have.

12238. And have a distinct recollection of what the premises were out of which the man registered?—Yes.

[The Witness withdrew.]

Mr. *Cockburn* was heard to object to the course of examination now pursuing, and submitted, that as the voter was registered for premises in Castle-street, it was not admissible for the other side to show that he had lost possession of property in Castle-hill. Supposing the voter to have been improperly registered for premises in Castle-street, that would be an objection that would arise under another head of objection, which could only be got at by the opening of the register. The voter stands upon the register as being qualified to vote out of premises in Castle-street; and to receive evidence to show that he had no premises there, would be a registry objection, and which it was admitted, at all events, could not be gone into under the present head of objection, which was, that previous to the time of polling, or since the register, he had ceased to occupy the whole, or some part of the premises in respect of which he had registered. The learned Counsel referred to Phillips upon Evidence, to show that parole evidence was not admissible to vary or contradict the terms of a written instrument, unless, upon the face of that written instrument, there was a latent ambiguity. If the voter had been registered for house and "premises," evidence would have been admissible to show what the premises consisted of; but to show that the voter registered out of a different street altogether would completely contradict the written document itself, the affidavit, and which was in fact the register. And upon these grounds the learned Counsel submitted the parole evidence was not admissible.

Mr. *Wrangham* was heard in support of the admissibility of the evidence, and contended, that supposing Mr. *Cockburn's* argument was a correct one, the effect of it would be, that if the revising barrister by mistake inserted the word "street," instead of the word "hill," that a voter, although he might change his residence immediately from the premises for which he had been in truth registered, could never be removed from the register, which, in Ireland, was good for eight years.

The effect of deciding that the evidence was admissible, did not go to open the register; but he proposed to show that the premises out of which the voter registered he had parted with since the registration, and had thereby lost his vote. The voter in this case had claimed to register for premises in Castle-hill, and the revising barrister had no authority to register him for premises in Castle-street. In any case, when it could be shown that a mistake had been made, and that the party had not been registered for the property which he in truth possessed, the Committee would in such case receive evidence to explain the real nature of the transaction, and would give effect to the evidence which might be given upon it. In the last Carlow case, in which the Committee refused to open the register, they protected themselves by saying, that they did not decide that in no possible case would they inquire into any case where fraud might be shown, which would vitiate any transaction. In any case where there was fraud or mistake, the Committee ought to examine into the case. The object to look at was, what the decision of the barrister had been; and it was not sought to reverse any decision to which he had come. The evidence now tendered was only offered to explain the affidavit, and was therefore admissible.

Mr. *Cockburn*, in reply, contended that the certificate of the register furnished to the voter was only one mode of evidencing his title to vote,

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inasmuch as, by the 28th section of the Irish Reform Act, it is enacted, that any person for 1s. shall have a certificate on parchment, declaring such his right, and that such person has been registered as a voter for the borough. The register, therefore, was the affidavit and certificate retained by the clerk of the peace. That affidavit and certificate stated that the voter was registered for house and concerns in Castle-street. That was the record; and Phillips on Evidence, pages 710 & 711, laid it down as an inflexible rule, that parole evidence was inadmissible to vary or contradict the terms of a written instrument.

This voter might be objected to under another head of objection which had been given in by Mr. Bruen, and under that head of objection this voter was objected to; but that objection could only be gone into by opening the register, which it was not now contended could be done. All the argument that had been used on the other side to show the impolicy of not allowing mistakes and frauds to be inquired into, were the arguments which were used in support of opening the register. To show the necessity of confining the parties to the words of the register, and not allowing reference to be had to notices and other documents, the learned Counsel stated, that a party might send in a claim to vote for different premises in the same town, and be registered for only one; and in this case the voter had actually sworn that he was registered for house and concerns situate in Castle-street; and it must therefore be taken that that was the place for which he registered, and no parole evidence ought to be received to vary or contradict it.

The Committee adjourned till To-morrow, at Eleven o'clock.

Sabbati, 1^o die Junii, 1839.

GEORGE GROTE, ESQ., IN THE CHAIR.

The Names of the Members were called over—all present.

CASE OF THE VOTE OF MICHAEL BYRNE RESUMED.

The examination of Mr. Butler was read, and the question objected to by Mr. Cockburn.

The room was cleared.

The Committee deliberated.

Counsel and Agents were called in, and informed by the *Chairman*, that the Committee had resolved that the question proposed by Mr. Wrangham may be put.

Mr. *Thomas Crawford Butler* recalled and sworn; Examined by Mr. *Wrangham*.

12239. DO you know the premises in which the voter lived at that time at Castle-hill?—I do. Mr. *T. C. Butler*.

12240. Do you know who is living there now; whose name is over the door, and so on?—I think it is a person named Nowlan; that is the same house out of which Byrne registered. 1 June 1839.

12241. Do you know what occupation Nowlan follows?—He has the appearance of a publican; all those glasses and signs of a publican in the window.

12242. The window has the appearance of a publican's window?—Yes.

12243. I think you told us you are in the habit of attending the magistrates' session?—O, yes.

12244. Constantly?—Constantly.

12245. Are you in the habit of being present at the time when licenses are granted?—Yes, I am.

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12246. Certificates

Mr. T. C. Butler.

1 June 1839.

12246. Certificates on which licenses follow?—Yes.

12247. Will you state to the Committee whether it has ever been within your knowledge the practice for magistrates at Carlow to grant a license to a publican, except to the holder of the whole house?—O, never.

12248. You have practised at the sessions for many years, have you?—I have.

12249. Have you had occasion to apply for clients of your own for licenses?—Frequently, to maintain their application.

12250. Now, have the magistrates always required proof before they grant the certificate that any person applying was the owner of the whole house?—It is the preliminary step.

Mr. *Austin* objected to proof of the custom of the bench of magistrates, and to the proving the practice of a tribunal.

Mr. *Wrangham* was heard to support his right to put the question.

Mr. *Austin* stated he would not press the objection, as it was suggested that it had been admitted before.

12251. You say that fact is always necessary to be proved as a preliminary?—It is.

12252. Have you known cases of license being refused when that proof had failed?—I do.

12253. By the *Committee*.] This is within your knowledge?—Yes.

Cross-examined by Mr. *Austin*.

12254. When did this registration take place of which you speak so positively?—In June 1837.

12255. Have you any note of it in a book?—I have.

12256. Have you been looking at it to-day?—No.

12257. You speak from your memory?—Yes.

12258. Have you looked at it since you came over?—I have, either yesterday or the day before.

12259. Expecting this vote to come on?—Among other cases.

12260. Were you not informed the vote was coming on?—Certainly; I knew it was one of the votes objected to.

12261. And you looked in your book, therefore?—O, I looked in my book for every case.

12262. Have you ever been in Nowlan's house yourself?—In it?

12263. Ay, in it?—Never.

12264. You do not know any thing about the internal occupation of it?—Not the slightest.

12265. You say you have been at these sessions, and that licenses have been refused to persons who were not the owners of the house; is that so?—Yes, it is.

12266. If any body chooses to swear he is the occupier, I suppose he gets the license; is that so?—If all the other preliminaries are fulfilled.

12267. If any body chooses to swear that, then he gets the license?—Yes; he is obliged to prove different out-offices, and having accommodation for soldiers to be billeted, and that is one of the principal reasons why those particulars are observed at sessions.

12268. By the *Committee*.] The applicant is obliged to prove that?—Those are the questions the magistrates put.

12269. That he has accommodation for soldiers, stabling?—Out-offices.

12270. Stabling.—Not exactly stabling.

12271. You are speaking to a practice?—I have known it in the county.

12272. You say out-offices; I ask you whether they are not required to prove they have convenience for stabling?—In many cases.

12273. In what cases are they not?—County cases, where persons apply for licenses in a district away from the town; but I never heard the question of out-offices raised in a town; I am now speaking of county licenses.

12274. What are the out-offices required for?—For stabling.

12275. What are the out-offices required for in a town?—Not in the town; I do not recollect ever hearing that point raised in the town; I have frequently known county cases; I was refused in two or three cases where we were not able to prove we had the stabling in the county, the magistrates stating as soon as he built out-offices they would grant him the license.

Re-examined by Mr. *Wrangham*.

Mr. *T. C. Butler*.

1 June 1839.

12276. The practice is universal as to being owner of the whole house, both in town and country?—Yes, most decidedly; there was a case in which I was concerned myself.

12277. You are asked about your recollection of what passed at the registration; were you the agent attending this registration?—I was.

12278. Did you instruct counsel to object to this vote?—I did; there was one particular reason which makes me recollect it very well.

12279. Was it on the ground of insolvency the objection was raised?—It was that he had been insolvent; that the voter had been insolvent shortly previous.

12280. By Mr. *Austin*.] That was before he went to live in these premises?—No; subsequent to taking the house, and previous to the register.

12281. By Mr. *Austin*.] And that was upset?—It was.

Examined by the *Committee*.

12282. You were present at the polling of this vote?—I was.

12283. Was any objection raised to it at the time?—Yes, I think I sent in the usual objection as to his having parted with his qualification.

12284. At the poll?—Yes.

12285. As you were present at the poll on such a flagrant case as this, to all appearance you would raise an objection?—Yes.

12286. And you think you did?—I do.

12287. By Mr. *Wrangham*.] Do you recollect being present when this man voted?—I was present all the time; I know we were many times in a great hurry.

12288. By Mr. *Wrangham*.] Now look at the poll-book?—[*The Witness referred to the Poll-book*.]—No mark.

12289. Do you find any objection?—No mark here.

[*There appeared no objection upon the Poll*.]

[*The Witness withdrew*.

Mr. *George Wilson* called in and sworn; Examined by Mr. *Wrangham*.

Mr.
George Wilson.

12290. YOU have told us, on former occasions, that you have resided for a length of time, many years, in the borough of Carlow?—All my lifetime.

12291. And are thoroughly acquainted with the place?—I am.

12292. Do you know the premises on Castle-hill which were occupied, in the year 1837, by a man of the name of Michael Byrne?—I do.

12293. Do you know whether Byrne had any house in Castle-street at that time; we are told they are different places?—There is a place called Castle-hill, and another called Castle-street.

12294. Can you tell us, had Byrne any house at that time in Castle-street?—He had not.

12295. Does your knowledge of the town enable you to speak with confidence upon that point?—It does.

12296. Now, do you know who is now occupying that house on Castle-hill that Byrne did in June 1837?—A man of the name of Larry Nowlan.

12297. Have you visited that house lately?—I have.

12298. When was the last time that you have been there; I mean visited for this purpose?—In the middle of this month.

12299. The month of May?—It was about the 11th or 12th of May.

12300. Did you find Nowlan there; who did you find in the occupation of that house?—Nowlan.

12301. What trade does he follow?—He keeps a public-house.

12302. How long has he kept a public-house there?—I know myself that he has been there for 12 months at that business.

12303. When did he first come, do you know?—I do not.

12304. Down to a day or a week?—How first came?

12305. When did Nowlan first come to this house?—I cannot exactly say; I know he was there 12 months.

12306. Has he been there two years, or not?—I think he has not.

12307. Do you think 12 months is about the time he has been there?—He is there upwards of 12 months, to my own knowledge.

12308. Will you be kind enough to describe to us this house; where is the entrance,

Mr.
George Wilson.
—
1 June 1839.

entrance, the street-door?—From the street you walk into a shop into the public-house; there is no outer door but the one out of the street.

12309. Is that the door of the shop?—The door of the shop.

12310. Must you pass through the shop in order to gain access to the other parts of the house?—You must.

12311. What other rooms are there on the ground-floor?—There is a small kitchen inside of the shop.

12312. Behind the shop, is that?—Yes, behind the shop.

12313. How many stories are there in the house?—Three.

12314. The shop and kitchen form the ground-floor; is that so?—Yes.

12315. How many rooms on the first floor?—Two.

12316. And how many above?—One.

12317. I understand that Byrne still resides on a part of the premises?—

Mr. *Austin* objected to the form of the question.

12318. Did you find Byrne residing upon any part of the premises?—I did.

12319. Which part?—The two rooms on the first floor.

12320. Then what part was Nowlan in the occupation of, the publican?—He was in the occupation of the lower part of the house, at all events, and had access to the remainder.

12321. And what other room?—The upper part of the house.

12322. That is, the second floor?—The second floor.

12323. Do you say that Nowlan occupies the top room?—He occupies the upper room.

12324. And where is Byrne?—Byrne is in the middle floor.

12325. By the *Committee*.] That is the garret that Nowlan occupies?—Yes.

12326. Did you see Nowlan there carrying on his business as a publican?—Yes.

12327. Whose name is over the door?—The letters “L. Nowlan, licensed publican.”

12328. By Mr. *Austin*.] That you swear?—Not to the exact words; this much I say, his name is over the door “licensed,” because I pass it by every day in the week.

12329. Are you speaking to the best of your knowledge and recollection of what is there when you speak this; when you say it is “L. Nowlan, licensed publican”?—Yes.

12330. By the *Committee*.] The witness says there is “L. Nowlan, licensed publican,” over the door?—Yes.

12331. Is it that, or words to that effect, at all events?—Words to that effect; his name is distinct over the door, “L. Nowlan;” I could not pass by without seeing it.

12332. Are you in the habit of seeing the house frequently?—Almost every day in the week.

12333. Passing by?—It is on my passing from my house to the market.

12334. What, in your judgment, would the first floor of this house (the rooms which you describe as occupied by Byrne) be worth to let by the year, at a fair and reasonable rent?—I think 4*l.* would be a fair value for them.

Cross-examined by Mr. *Austin*.

12335. Were you ever up-stairs?—I was.

12336. In those rooms?—Yes.

12337. What would be the worth of the whole house; what sort of rent ought he to pay?—I think the whole house is worth 10*l.* a year.

12338. Do you believe it is worth a farthing more?—I would not give any more for it.

12339. Suppose he pays 12*l.* a year, then do you consider that to be an exorbitant rent?—I do.

12340. And if the house has always been let at that rent, do you consider the landlord has always got an exorbitant rent?—I do.

12341. Pray, sir, when were you up-stairs in this house?—About the 11th or 12th of May.

12342. When were you there before?—I was not there for a long time before that.

12343. How

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12343. How came you to go on the 11th or 12th of May?—To try if Larry Nowlan was in possession of the place.

12344. Did you not go for the purpose of getting up evidence about the vote?—I did.

12345. When did you get your instructions to go to this house?—I suppose at the time that it was intended there should be a trial here.

12346. When did you get your instructions; when?—Some time in April.

12347. When in April?—I do not exactly recollect the day.

12348. Was not this Committee sitting before you got your instructions?—No.

12349. When did you come over from Ireland?—I think I left Ireland on the 13th of May.

12350. How long was it before the 11th or 12th of May you had been into this house?—I told you it was the 11th of May.

12351. How long before the 11th of May was the last time you had been in this house?—It may be years before.

12352. It may have been for years before?—Yes.

12353. Tell me how many years?—I do not recollect; I had not business into that house.

12354. Were you ever in the house in your life, during the time Byrne has been in the occupation of it, until the 11th of May?—I was not.

12355. How long were you in the house on the 11th of May?—I was there for about half an hour, I suppose.

12356. What part of the house?—I was through it all.

12357. What time of the day was it?—It was evening.

12358. What time?—About eight o'clock, I suspect.

12359. Who was with you, Mr. Wilson?—Mr. Malcolmson was along with me.

12360. Was that the doctor; the editor of the "Sentinel," is he?—The proprietor.

12361. The proprietor of the Tory paper?—He is proprietor of the "Carlow Sentinel."

12362. He was with you?—Yes.

12363. Any body else?—No.

12364. Did you drink in the house?—No, I am not in the habit of drinking in such houses.

12365. Whom did you see when you got into the house?—I saw Nowlan; the very first man I met in his shop.

12366. Did you see Byrne?—I did.

12367. Did they know what you came for?—I think they did.

12368. Have you any doubt they did?—I have no doubt whatever.

12369. I believe people know you in Carlow, do they not?—Very well.

12370. And you have no doubt they knew what you came for?—I think they did.

12371. Have you any doubt they did?—I have not the slightest.

12372. I will put you to the trouble, if you please, of stating, on your oath, what there is over that door?—I told you before, Larry Nowlan's name was over it; and I say so again; and "licensed" either "publican," or "to sell spirits."

12373. Will you swear that word "licensed" is over the door; take time and consider it?—I do swear it distinctly.

12374. That the word "licensed" is over the door?—Yes, I do; I saw him selling the spirits in it.

12375. What I am bringing your attention to is this, and it is a material fact for you to recollect, I can tell you; will you swear the word "licensed" is over the door?—I do.

12376. Do not you know that Nowlan is a tenant to Byrne?—I do not.

12377. You do not?—No.

12378. Do you know who Byrne's landlord is?—I do not.

12379. You do not know of whom Byrne hired the house, or to whom he pays rent for it?—I do not.

12380. Has Byrne a family?—I believe he has one child.

12381. A wife?—He has.

12382. Living there?—Yes, they are living there.

12383. Did Byrne show you up-stairs?—No, he did not.

12384. Who did?—Nowlan.

12385. Do you know Nowlan?—I do.

12386. Did you see Nowlan first, or Byrne?—I saw Nowlan first.

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12387. And did he show you to Byrne; did he introduce you?—He did not; he showed me up through the house.

12388. Did you see Byrne's wife and his family when you went up?—I did.

12389. That is how you know his wife and family, is it?—Yes; I heard the man was married; he is a pensioner, I know that; I know Byrne myself very well.

12390. Now, sir, do you mean to say that you do not know what rent Nowlan pays to Byrne?—I do not.

12391. You mean to state that?—I do not know what he pays for the house.

12392. Do you know what he pays to Byrne?—No.

12393. Did you not hear, when you were looking over the house, what he paid to Byrne?—No, I do not know what he pays to Byrne.

12394. Do I understand you to say you had no conversation about it; is that what you state?—I had no conversation about it.

12395. Then, according as I understand you, you went into this house through the door into the street; is that so?—Went out of the street into the house.

12396. Through the door?—Yes.

12397. There being but one door?—But one door.

12398. Did you come out at the door?—Yes.

12399. And not at the window?—No.

12400. Is there a door behind?—There is.

12401. One or two?—Only one.

12402. Now, then, sir, did you not see Nowlan when you went into the door below; did you not see Nowlan in the room below?—Yes; he was minding his business; selling his spirits behind the counter.

12403. You went up-stairs, and you saw Byrne and his family in the house?—Yes; I told you so before.

12404. Did Malcolmson go with you up-stairs?—He did.

12405. All over the house?—I think he did.

12406. Why "think" he did; did he, or did he not?—I say he did; you asked me before, and I answered the same thing.

12407. What is your name?—George Wilson.

12408. Have you a brother?—I have.

12409. What is his name?—James Wilson.

12410. Have you another brother?—I have.

12411. What is his name?—Richard Wilson.

12412. Where is Richard Wilson?—I do not know.

12413. Where is he?—I cannot tell you that.

12414. Where was he during the election at Carlow?—

[The Witness withdrew.]

Mr. *Wrangham* submitted, the question was irrelevant to the inquiry.

The *Chairman* stated, there did not appear sufficient ground for preventing the question being put.

Mr. *George Wilson* recalled; Examination continued by Mr. *Austin*.

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12415. WHERE did you go to when you went out of the room?—I stood in the lobby.

12416. Where is your brother Richard?—I do not know, sir.

12417. Was he at Carlow during the election too?—He was.

12418. Busy in the election?—Yes, he took an active part in it.

12419. Did you not take an active part in the election?—I did; I was anxious to return Mr. Bruen.

12420. Did you act with your brother?—No, I did not act with him; not with him.

12421. Did you act with any body?—For myself, you know.

12422. Did you act with any body?—No.

12423. What was your business during the election; how did you act?—In no way in the world; only anxious that Mr. Bruen should be returned; and I voted for him.

12424. What did you do at the election?—Voted for Mr. Bruen.

12425. Did you do no more?—No more.

12426. Do you mean you had no business during the election?—No business, unless my own business at home.

12427. And not concerned in the election?—No more than to vote for Mr. Bruen.

12428. What did your brother, Richard, do at the election?—I do not know any thing particular.

12429. When did he leave Carlow?—

Mr. *Wrangham* objected to the question.

12430. Did you canvass any body during the election?—I did not.

12431. Did you ask any body for a vote?—I did not.

12432. Before the election?—Before or after; at any other time during the election.

12433. At no time before the election?—At no time before, decidedly.

12434. Do you mean to say you were not walking arm-in-arm with your brother canvassing before the election?—I mean to swear I did not.

12435. Do you mean to swear you were not canvassing voters in Tullow-street, arm-in-arm with your brother, before the election?—I do swear it.

12436. Were you in any Committee-room during the election?—I was not; I did not know of any Committee-room.

12437. Were you at Kennedy's?—I was one night; in the evening, rather.

12438. Whom did you see there?—I saw some of Mr. Bruen's friends as I was just passing by, and I went in; they were standing in the shop.

12439. Did you see Dowling with others there?—I did not; I did not see him there, certainly.

12440. Whom did you see; now mention some body by name; whom did you see?—I saw a Doctor Porter there.

12441. Whom else?—I saw Mr. Carrol.

12442. Carrol, the editor?—Yes.

12443. Whom else?—I do not recollect any other I saw at the door; the time I stopped, a few minutes at the door.

12444. Did you go in?—I did, inside the door at the shop; they sell drink.

12445. Kennedy sells drink?—He keeps a public-house.

12446. Was your brother with you on this occasion; this Richard?—He was not.

12447. How long is it since you have seen him?—Some time in April.

12448. When; where did you see him last?—I saw him some time in April; in the beginning of April, I think.

12449. Where did you see him?—At my house.

12450. In Carlow?—Yes.

12451. And you have not seen him since?—I did not see him since.

12452. And you do not know where he is?—I do not.

Re-examined by Mr. *Wrangham*.

12453. And you do not care, I dare say; I think you said that when you went to view these premises on the 11th of May, you met Nowlan in the shop behind the counter, selling spirits there?—He was.

12454. That he took you up and showed you through the house?—He did.

12455. And that Byrne was occupying the first floor, and Nowlan the ground-floor, and the top floor?—Yes.

12456. You know both of the men, you say?—I do know them both very well.

On examination by the Committee, the Witness repeated a conversation which had taken place between him and Byrne on the 11th of May.

Mr. *Austin* suggested that this conversation took place subsequent to the ballot, and that the Committee had decided they would not receive conversation of the voter subsequent to the ballot; but in this particular case, he was quite willing the evidence of conversation should be given.

The room was cleared.

The Committee deliberated.

Counsel and Agents were called in and informed by the *Chairman* that the Committee had resolved as follows: "That the questions put to the Witness, George Wilson, and the answers of the said Witness relative to his conversations with the voter, Byrne, on the 11th of May, be expunged from the minutes."

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12457. You say you examined this house with Mr. Malcolmson?—Yes.
 12458. What day was it?—On the 11th of May.
 12459. And what day did you arrive in London?—I think it was about the 16th.
 12460. What parts of the house did you examine?—The entire.
 12461. Every room?—I did not go up into the upper room; but he showed it to me.
 12462. Did you go into the yard?—No, I did not.
 12463. You say you know the house well?—Yes, I do.
 12464. You have been in it previously?—Yes, I have.
 12465. You have seen the back door?—Yes.
 12466. What premises are there behind?—A small yard.
 12467. There is only a yard?—Only a yard.
 12468. No accommodation for soldiers, or any thing of that kind?—No.
 12469. They are not necessary in that public-house; have you ever seen any one apply for a license?—Yes.
 12470. What are the questions that the magistrates put?—I do not exactly recollect; but I have seen them apply for a license at the sessions; I do not recollect the exact words.
 12471. Do you know what is required?—I do not; I only heard that they require accommodation for the army; that they are obliged, in fact, to give some accommodation for soldiers when they are billeted upon them.
 12472. With regard to the back place?—No; I mean in the house.
 12473. Then offices and premises are not required?—I do not think it is.
 12474. You say you know this house well?—Yes, I do.
 12475. Can you tell me what the frontage of the house is; how many rooms are there in front?—I think it is about four yards in the front.
 12476. How many rooms are there in the front?—There is two rooms on the first floor, and the one above.
 12477. But in front of the house, as you look at the house from the street, how many rooms are there, do you see, on the ground-floor; how many windows are there?—There is two as you go in.
 12478. On each side of the door?—Yes.
 12479. Is there more than one room, looking towards the street?—Only one; there is a window on each side of the door as you go in.
 12480. How many rooms are there on the ground-floor?—A shop and back kitchen.
 12481. What is there on the next floor?—Two small rooms over them.
 12482. Can you give me the size of those rooms?—Indeed, I cannot; I did not measure them.
 12483. Are they the same as below?—The same as below.
 12484. Does the Witness say both the rooms on the ground-floor look towards the street?—No, they do not; the kitchen is behind the shop.
 12485. Then there is no room except the shop which looks towards the street?—Not on the ground-floor.
 12486. Is the room on the top of the house the same size?—The same size as the other two underneath.
 12487. How many rooms are there on the top story?—Only one.
 12488. What sort of street is Castle-street?—This is the place called Castle-hill.
 12489. What sort of street is it?—It is a very good place for business of that description.
 12490. Respectable houses in it?—No, there are not; no respectable houses.
 12491. A good place of business for that?—Yes, indeed; I think it is for public business; it is near the Coal-market.
 12492. Is it a thoroughfare?—Yes, very great.
 12493. Where does it lead to?—It leads to the principal part of the town of Carlow from the other side of the river.
 12494. From the Coal-market to where; is there a bridge at the bottom of the hill?—I am talking now of my own side; of the Queen's County, that is the borough.
 12495. Castle-hill is in the borough?—Yes; and the bridge is in the borough.
 12496. Is that on your side?—It is.
 12497. Does the river divide the two counties?—It does there.
 12498. Then, at the bottom of the hill there is a bridge that goes over?—That goes over into the Queen's County side.

12499. The other end of the street leads into the principal part of the town?—Yes; when you pass over the bridge, you go up by Castle-hill; you may go down by the Quay.

12500. At the top of Castle-hill, where does that lead to?—To the Coal-market.

12501. Is Castle-hill as good a street as Tullow-street?—O, not at all.

12502. Is it as great a thoroughfare as Tullow-street?—No; Tullow-street is the greatest street in the town for business.

12503. Beyond the Coal-market is Castle-street?—Yes.

[The Witness withdrew.

Mr. *Edward Dowling* called in and sworn; Examined by Mr. *Wrangham*.

12504. WERE you present at the register sessions in June 1837, when Michael Byrne, of Castle-hill, registered?—I was.

12505. Do you recollect out of what premises he claimed to register and was registered?—I do.

12506. What were they?—A house on the Castle-hill.

12507. Do you know whether he was at that time in the occupation of that house?—I do; I know the house these 15 years.

12508. Do you know whether he was in the occupation of any other house?—He is not.

12509. At that time was he?—At that time he was not.

12510. Not in the occupation of any house in Castle-street, was he?—No, nor on Castle-hill either.

12511. Except that one?—Except that one.

12512. Does he continue to occupy that house?—He lives in the house; I cannot say whether he is the owner of it.

12513. At the time you speak of, in June 1837, did he occupy the whole of it, or did he only live in it as he does now?—He occupied the entire.

12514. Did he carry on business there?—He did.

12515. Where was his shop?—The shop he then occupied is now occupied by a man of the name of Nowlan; he kept a small huckstering in it; what we mean by that, is selling bran and oats, and other little matters.

12516. An huckster's shop?—Yes.

12517. Can you tell me when he ceased to keep this huckster's shop?—I think it is better than a year and a half.

12518. I think you say it is now occupied by Nowlan?—A man by the name of Lawrence Nowlan.

12519. How long have you known him there?—I knew him better than a year to live in it; I think he is a year and a half living in it.

12520. You say Byrne continues to live in it; do you know what part of the house he occupies?—He told me himself, about nine months ago, that he set his place; he set his house altogether.

Cross-examined by Mr. *Austin*.

12521. That he had set his house altogether?—Yes.

12522. That he had set his place altogether; and what?—And said he lived in the centre room; the middle room; it is twelve months ago.

12523. This is nine months ago?—Better; it is twelve months ago.

12524. Have you property in this neighbourhood?—I have several houses in that neighbourhood.

12525. Are those in the immediate neighbourhood?—Yes, in the very immediate neighbourhood; one house opposite it, and another next door but one; and another within a few doors.

12526. Have you been in the house lately?—No, sir, I was not; I was not in that house these, perhaps, three years.

12527. You have been in the house?—I have.

12528. Have you seen the first floor; have you been up in the first floor?—I have.

12529. Can you tell the Committee, from the experience you have in those matters, and having property in the immediate neighbourhood, what the first floor would be worth to let by the year?—I am not aware of rooms taken by the year at all in the town of Carlow; unless by weekly lodgers.

12530. What would it be worth to let to a lodger; what do you think it would be worth to let to a lodger; if you do not feel competent to give an answer, do not do so?—It would be worth 1s. 9d. a week; 1s. 6d. or 1s. 9d. a week.

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12531. What sort of sized place is this?—They are two small rooms.
12532. What is the frontage of the house; the street frontage?—It is three stories high; there are two windows; four windows over the shop-windows; two windows to the middle room over the shop too; there are now two houses, and originally it was one.
12533. It was originally half a house, and it now constitutes one?—Yes.
12534. Now it constitutes a whole house by itself?—Yes.
12535. Can you tell me what the frontage of the house is?—I cannot; I never measured it; but it is small; it might be about 12 or 14 feet.
12536. Where is the entrance to the house?—It has but one door, a shop-door.
12537. Is that the door of the shop where Nowlan sells his spirits?—Yes; he sells spirits at the right-hand side of the shop, as you go in; the bran and oats upon the other side.
12538. Nowlan sells spirits on one side and bran on the other?—Yes.
12539. Whose name is over the door?—"L. Nowlan."
12540. No other name, is there?—No other name.
12541. What is the whole house worth?—Worth about 10*l.* a year.
12542. Is 12*l.* a year a dear rent?—I think it high; I have better houses set convenient to it, let for 8*l.*
12543. Should you believe he pays 12*l.* a year for it?—I do believe it.
12544. Perhaps you know it?—He told me about that time he paid 12*l.* a year for it.
12545. Byrne told you?—Yes.
12546. It was part of the conversation nine or 12 months ago?—No, sir.
12547. When then?—At the time he registered, I presume he paid 12*l.* a year; at the time he registered, he swore he paid 12*l.* a year for it, and I believed him.
12548. You have had a conversation; try and recollect all that conversation; first you said it was nine months and then 12 months ago?—I think it is 12 months ago.
12549. Now, did he tell you, on that occasion, in what way Nowlan lived in his house?—He did not, indeed, unless by saying that he set his place to him.
12550. Do you mean to say that is what he said; that he had set his place to him?—Yes, that is what he said.
12551. Did he not tell you he had let the lower part to Nowlan at 2*s.* a week?—No, he said no such thing; never to me; he never told me such a thing.
12552. He did not?—No; and Nowlan told me the same.
12553. Do you recollect when Nowlan went in?—I think it is a year and a half ago; I rather think he is living 18 months there; I am not certain as to the particular time.
12554. Did you canvass this man?—What, Mr. Byrne?
12555. Yes.—I did not.
12556. Did you ask him to vote?—I did not.
12557. Did you send any body to ask him to vote?—I did not.
12558. Do you swear that?—I do positively.
12559. Do you know Michael Keogh?—I do.
12560. Did you send Michael Keogh?—Michael Keogh; I do not know any man of the name of Michael Keogh.
12561. William Keogh?—I did not send William Keogh; but if you want to know the truth of it, Byrne sent to me, and he came to my house; Byrne called on me; he came to me about the election; came into my house; and knowing his character so well, I turned him out of it; that is the truth.
12562. Do you mean to say that is all that took place between you and Byrne?—No, I do not mean to say it; he said he had a wish to vote for Mr. Bruen; I will tell you the truth.
12563. I have no doubt; I believe every thing you say; did Byrne ever vote for Mr. Bruen?—Not to my recollection.
12564. Do not you know he never did?—I do not think he ever did.
12565. Have you any doubt that he never did?—I do not think he ever did.
12566. Do not you know he never did?—Well, I believe he did not; I do not think he ever did.
12567. You have not been in the house these three years?—Not for the last three years; but I was standing at the door, talking to Nowlan, two or three times, but not inside; when passing, Nowlan very often stopped me to inquire whether I had a house.

12568. You have not been inside for these three years?—No, I was not.

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Re-examined by Mr. Wrangham.

12569. You believe he never voted for Mr. Bruen?—I do not recollect he ever did.

12570. He only registered in 1837?—He did.

12571. There has only been one election since June 1837.

12572. By Mr. Austin.] Was he not registered in 1832?—He was, in Tullow-street.

12573. He has been registered before?—He was, in Tullow-street.

12574. You say he came to you, and talked to you about his wish to vote for Mr. Bruen?—He did.

12575. You happened to know him and his character, you say?—Very well.

12576. And you turned him out?—Yes.

Examined by the Committee.

12577. You stated "L. Nowlan" was written over the door?—Yes.

12578. Was any thing else written over the door besides?—I think there is; but I cannot particularize the words; I think there is "Spirits, Porter and Ale;" something in that way.

12579. Do you remember whether the words "Licensed to sell" was over the door; "Licensed Publican," or any thing?—I cannot tell; but it is generally the practice.

12580. In this particular instance, can you speak positively?—I cannot tell, indeed.

12581. You have stated you had a conversation with Byrne about 12 months ago?—Yes.

12582. Where did that occur?—I think it occurred on the Castle-hill.

12583. Did you stop him to speak, or did he speak to you?—No; I was getting a house repaired there, and he stopped to talk to me as he passed by.

12584. Did you stop and talk to him?—I was standing at the time; he was asking me about a house; and that was what made him to talk to me; I said I had not a house to set.

12585. You estimate these premises as dear at 10*l.*, and you said you had better premises let at 8*l.*?—I have two houses at that neighbourhood set for 8*l.*, better houses.

12586. Have you seen this house throughout?—I did, three years ago.

12587. Has it a back door to it?—It has.

12588. What has it beside?—A very small yard.

12589. Nothing else?—Nothing else; and the houses I have let for 8*l.*, there is a capital stable, slated and lofted, and three story high; I set another the other day, nearly opposite that house, for 11*l.* a year.

12590. What size is this house?—Three stories high.

12591. What width, in front?—As nearly as I can guess, I should say, about 12 or 14 feet long.

12592. Not more than 14?—I do not think it is more than 14, as nearly as I can guess.

12593. What size are the windows; the width?—The two windows to the second story?

12594. I mean the first floor; the ground-floor?—The shop-windows?

12595. Yes.—Two small shop-windows.

12596. About what width?—I do not think they are more than about three feet wide.

12597. You think they are full that, or less than that?—If they are three feet, it is the most, I think.

12598. What is the usual width if, as you have houses, what is the usual width you built your door places?—Two feet nine.

12599. From stone to stone, or between the posts?—I mean from post to post.

12600. Inside the posts, or inside the wall?—This door is on the centre of the house.

12601. The width of the door; is it inside the door, or inside the post, that is two feet nine?—Inside the post.

12602. How much more would the opening be?—The uprights would be about three inches.

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12603. Each?—Each.

12604. That is, three feet three would be the opening in the wall?—Yes.

12605. When you spoke of the windows, is it the wood-work, or inside?—I think, casing and all, about three feet each.

12606. You stated, Byrne told you that he had set his house to Nowlan?—Set his place.

12607. And you stated also Nowlan told you the same?—Yes, sir; Nowlan came to me about six or seven months ago to take a house from me; he said the house he took from Byrne did not suit him; that there was no convenience in it; no back yard to accommodate his friends with horses; and he wanted to take a house I was then preparing, nearly opposite to where he resides at present; I had the house set at the time, and I told him so.

12608. Did he state to you what rent he paid to Byrne?—No, he did not.

12609. Or on what terms he took?—No, he did not; for I did not enter into particulars with him; and I told him shortly I had the house set; and he did not converse much more with me.

12610. Did Byrne ever state to you what rent Nowlan paid to him?—No, he did not; I was getting a house, as I said before, repaired, and he stopped to talk to me about would I set it to him, and I said not; I have several houses in that neighbourhood; his father-in-law lives under me.

12611. Did Byrne ever tell you whether Nowlan had taken the house by the year or by the week?—No, he did not enter into any particular conversation that way with me.

12612. Did you ever ask him that question?—No, I never did; I had no reason to ask him any question at the time.

12613. How long is it since this conversation passed between you and him?—It is 9 or 12 months ago.

12614. About 12 months?—I think it is.

12615. How long has he ceased to carry on business there?—Byrne?

12616. Yes, Byrne?—I think it is a year and a half or better; Nowlan is in there a year and a half, to the best of my recollection.

12617. When he applied to you to let him a house, he would have given up the other house, in that case, I suppose?—I do not know as to that; that would be most likely.

12618. It was with a view of giving that up; did you understand from him he intended to have given up the other house, if he had taken this from you?—I understood he had it set.

12619. Before Nowlan came to live in the house, whose name was over the door; was any name over the door?—I think Byrne's name was over the door; he carried on a little huckster's also.

12620. Are you sure of it?—I am not certain.

12621. Are you sure any thing was written over the door?—I think there were letters over; Byrne's name was over, to the best of my opinion.

12622. There is something over the door now?—I am positive of it, "L. Nowlan."

[The Witness withdrew.]

James Brennen called in and sworn; Examined by Mr. *Wrangham*.

James Brennen.

12623. YOU said you are the tax collector; the collector of the county cess in Carlow?—I am.

12624. The grand jury cess, is it?—Yes.

12625. Do you know the premises on Castle-hill, which were formerly occupied by Michael Byrne?—Yes, I do.

12626. Have you called at that house for the grand jury cess?—I have.

12627. Within the last 12 months?—Yes.

12628. More than once probably?—Twice.

12629. Do you remember making an application there in July of last year?—I do.

12630. You applied at the house, did you?—I did.

12631. Did you, on that occasion, see Byrne; Michael Byrne?—I did.

12632. Did you ask him for the tax?—I did.

12633. What did he say?—He told me that Larry Nowlan would pay me the tax.

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12634. Did he say why Lawrence Nowlan was to pay the tax?—He said that it was he “owned” the house; that he had only a couple of rooms in it.
12635. That is, that he himself had only a couple of rooms in it?—Yes.
12636. Did he decline to pay the tax; did Byrne?—Byrne did not pay the tax.
12637. Did you, in consequence of what he said, apply to Nowlan?—I did.
12638. Did Nowlan pay you the tax?—He did.
12639. That was in the summer of last year, was it?—Yes.
12640. Who paid you the tax this spring; it is collected again before the spring assizes?—Nowlan again.
12641. What trade does Nowlan carry on?—A publican.
12642. The grand jury cess is paid by the owner of the house, is it not?—Yes; it is never paid by the room-keeper.
12643. What name is over the door?—Lawrence Nowlan.
12644. Do you remember whether there is any thing else over the door beside the name?—I think there was licensed publican; publican or licensed publican.
12645. Is there more than one street-door to this house?—No, there is not.
12646. Where does that open into?—It opens inside.
12647. What room does it open into?—Into the kitchen, where Nowlan lives.
12648. Is that where he sells his spirits?—Yes.
12649. You mean it opens into the shop?—Yes; that kitchen, or the bottom place, on the ground.
12650. That is where he sells his spirits, however?—Yes.

Cross-examined by Mr. Austin.

12651. You are a voter for Mr. Bruen, are you not?—No, I am not.
12652. Are not you registered, then?—No, I did not yet; I did not do it yet.
12653. Did not do what?—Did not register a vote in Carlow yet; I have no vote of my own.
12654. By Mr. *Wrangham*.] You intend to do so?—Yes, I do.
12655. You are the gentleman they call “Sniper?”—I do not know what they call me, my name is James Brennan.
12656. Do not they call you “Sniper;” you are the man we saw here before, the first day of the inquiry?—You might see me here, but I do not believe you knew me by that——
12657. Were you not examined on Welch’s vote?—I was examined here as to the servitude of notices.
12658. You were examined on Moorhead’s vote?—Yes.
12659. You are the process server, are you not?—No.
12660. What then, sheriff’s bailiff?—Yes, I am that.
12661. Have you been here ever since?—Yes.
12662. Ever since, have you?—Yes.
12663. Living with the witnesses?—I am living here; I am living backwards and forwards.
12664. Living with the witnesses on the other side?—I do not understand you.
12665. Living with the witnesses who are here on behalf of Mr. Bruen?—Some of them lodges in the house with me.
12666. And you lodge with them?—Yes.
12667. Are not you door-keeper here to the witnesses’ room?—I do not understand you.
12668. Is there not a room there in which all your witnesses are?—Yes.
12669. Are you not the door-keeper?—Sometimes; every one takes turn about.

Examined by the Committee.

12670. When you applied to Byrne for the county cess, he told you Nowlan would pay it, did he not?—Yes, your honour.
12671. He told you Nowlan owned the house?—He said himself owned but two little rooms, and that Nowlan would pay the tax.
12672. Did he tell you any thing else; did he tell you he had let it to Nowlan; did he tell you any thing else?—Yes, he told me he had let the rest of the house to Nowlan.
12673. Did he tell you he had let the rest of the house, or the whole house; what did he tell you?—All the house, only the two rooms he had.
12674. He told you he had not let those two rooms to Nowlan; did he say

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he had let the whole house, with the exception of those two rooms; or the whole house, or what did he tell you; cannot you remember the purport of what he told you?—Then, I cannot well remember it now; I cannot well remember what he said to me as to that at that time.

12675. You said he had let the house to Nowlan, with the exception of the two rooms which he reserved himself?—He said that Nowlan had the whole house, and that he was the man who would pay the tax.

12676. Did he tell you he had let it to Nowlan?—I cannot say that.

12677. Did he tell you what Nowlan paid as his rent?—He did not.

12678. What was the cess Nowlan pays?—Threepence.

12679. Is that the entire tax on this house?—Yes; I have the plotment of both taxes in my hand.

12680. Is that the whole tax for the house?—Yes.

12681. Whose name is entered down in the book now as the owner of the house?—Nowlan, on both taxes; it was not myself plotted the first one; there was a man appointed for the plotment before me.

12682. Whose name was in it before Nowlan's?—I do not know; it was not I riz the tax before that.

[The Witness withdrew.]

Mr. John Stothardt called in and sworn; Examined by *Mr. Wrangham*.

*Mr.
John Stothardt.*

12683. YOU told us, on a former occasion, you were surveying general-examiner of the Excise-office?—I am.

12884. I forget how many years you said you had been in the Excise, employed in various capacities?—Better than 22.

12685. You were at one time a supervisor of Excise in Ireland?—I was.

12686. How long were you stationed there?—Better than eight years.

12687. Are you thoroughly acquainted, from your long experience in the Excise, with the mode of granting licenses and the requisites before a person can obtain a license?—I am.

12688. Then, speaking from that experience, will you tell us whether it is necessary in practice, in point of fact, that he should be the owner of the whole house?—Yes, he must be the householder.

12689. He must be the householder?—The proprietor of the house.

12690. In the whole of your experience in England and in Ireland for the time you have mentioned, have you ever known that rule departed from?—Never.

12691. Does your situation enable you to speak with confidence on that point?—It does, so far as I have any knowledge of it.

12692. Have you an opportunity of forming an opinion and acquiring knowledge on that subject from your situation as surveying general-examiner?—I have.

12693. The returns are made, I believe; the returns which are made come under your eye in that capacity?—In some instances they do, but at other times under another person.

12694. So far as your experience goes, that is a rule which has been invariably and inflexibly followed?—It has.

12695. I think you stated it was necessary before a license was granted, in addition to the certificate from the magistrates, that the party should enter into a bond?—Yes.

Mr. Austin objected to the examination.

Mr. Wrangham stated, he proposed to give this general evidence as to the uniform practice on the subject, and he then proposed to put in the license, and to show what was done in this particular case, so as to exclude the possibility of a suspicion that the law and the practice had been departed from in this individual case.

Mr. Austin replied, and submitted that the license ought to be put in before the evidence now tendered should be admitted.

The *Chairman* stated, the opinion of the Committee was that the license should be first proved.

Daniel Hubbard called in and sworn ; Examined by *Mr. Wrangham*.

12696. ARE you the Excise officer residing at Carlow ?—I am.
 12697. How long have you acted in that capacity there?—About two years and a half.
 12698. Look at that paper and tell me whom that license is for—[*handing a printed paper*] ?—Lawrence Nowlan.
 12699. Is that the license under which Lawrence Nowlan carries on his business at Carlow ?—It is.
 12700. Where is that ?—On Castle-hill.
 12701. Is your signature to that ?—It is.
 12702. Whose are the other signatures ?—The collector for the time being, and the supervisor for the time being.
 12703. What is the date of it ?—Eighteenth April 1838.

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Cross-examined by *Mr. Austin*.

12704. Is this the magistrate's license ?—No.
 12705. Do the magistrates make any order with respect to licenses ?—The assistant-barrister at the quarter sessions.

Mr. Wrangham objected to *Mr. Austin* examining as to the general practice, and having proved the license, now submitted that he was entitled to have it read, and that *Mr. Austin* ought not to be permitted at present to go into the general practice on the subject.

Mr. Austin submitted he had a right to cross-examine the Witness ; he had objected to the course *Mr. Wrangham* had been pursuing, and the Committee had ruled that he, *Mr. Wrangham*, should adopt a different course ; and in pursuing that course *Mr. Wrangham* had called another witness, and he (*Mr. Austin*) submitted that he had now a right to cross-examine that witness.

Mr. Wrangham was heard to reply.

The *Chairman* inquired of *Mr. Wrangham* if he had got the book which was put in on the previous occasion of *Iver's* vote.

Mr. Wrangham stated he had not that book, and he did not propose to produce it ; an objection had been taken before, that that book which was produced was only secondary evidence of the license, and he now produced the license itself.

The *Chairman* inquired whether the license now produced by *Mr. Wrangham* was the license of which a register was kept in the book produced in the case of *Iver's* vote.

Mr. Wrangham stated that it was.

Mr. Austin stated that it was a different thing altogether, and that no license had been granted in this case, and his object in wishing to cross-examine the Witness, was to show that no license had been granted.

The *Chairman* stated, if that was the only object *Mr. Austin* had in cross-examining the Witness, it seemed to him he was entitled to cross-examine him upon that subject.

Mr. Wrangham stated, as this question was to be asked with a view to ascertain whether this was a proper license, he did not object.

Daniel Hubbard recalled ; Cross-examined by *Mr. Austin*.

12706. You are acquainted with the provisions of 3 & 4 William IV. ?—The Police Licensing Act.
 12707. An Act to amend the Law for Sale of Spirits in Ireland ?—No ; I do not know we have had any thing to do with that.
 12708. Who is the party granting a license of that description ?—The collector and supervisor of Excise.
 12709. Not the magistrates ?—They do not grant that.
 12710. The collector and supervisor of Excise grant this document ?—Yes, they do.

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12711. And this document is contingent on the certificate of the magistrates, is it not?—We could not grant that without the magistrates; without the assistant-barrister, I should say; it is the assistant-barrister in Ireland, and the magistrates in England.

12712. The assistant-barrister at the quarter sessions?—Yes.

12713. Were you ever at the revising barrister's court when the certificate was granted by him?—Never.

12714. Were you ever before the magistrates when they granted the certificate?—Never; we have nothing to do with that.

12715. When you say, therefore, the assistant-barrister granted a certificate, from what authority do you speak?—I get a certificate signed by the clerk of the peace.

12716. Did you ever read that part of your own license?—[*pointing to a part at the bottom of the License*].—That does not relate to Ireland, sir.

12717. It relates to England, does it?—Yes.

12718. Did you ever read the 6th section of this Act of Parliament?—I do not think I ever saw it.

12719. You never saw it?—It is not an Excise Act, I believe; it is the Police Act.

The Chairman.—Does he know of which Act you are speaking?

Mr. Austin.—The 3 & 4 William IV.

12720. Do not you know it is necessary to have the certificate of the magistrates before that license can be issued?—The certificate of the clerk of the peace.

12721. At the sessions?—At the sessions.

12722. Do not you know that cannot issue without examination by the justices?—We have nothing to do with that; if we get it we never inquire into whether it is a genuine one or not.

12723. But you must have it?—Yes.

12724. To whom do you give that paper on getting the certificate?—It should be delivered to the collector.

12725. By whom?—By the officer.

12726. Who makes it out; by the officer who makes it out?—Is it the certificate of the clerk of the peace?

12727. No; that paper that has been produced?—That should be delivered to the trader.

12728. To the trader himself?—Yes.

12729. How came it in your possession?—Perhaps it never was delivered to him.

12730. Have you any doubt it never was?—No, I have not; for I am pretty sure it never was.

12731. Do not you know that license never was delivered to the man; do not you know it never was delivered to the man?—It never was, I believe.

12732. Do not you know it?—I cannot say I know it.

12733. Where did you bring it from?—From Carlow.

12734. From what place in Carlow?—From my own desk.

12735. How long have you had it there?—I cannot say that.

12736. How did you get it; where did you get it?—*Mr. Wrangham*, am I bound to answer those questions?—

Mr. Wrangham.—Answer every question.

The Witness.—My reason for asking that question is, when I explain it to you, you will think it a very natural one.

Mr. Wrangham stated, the Committee would inform the Witness whether he was bound to answer.

The Witness.—I am accountable to the Board of Excise for my conduct in all those things; for any thing of that sort I have not done, perhaps I might be visited by their displeasure; I believe it is the general rule, no person is bound to criminate himself.

Mr. Cockburn stated there must be shown to be penalties to enable a witness to decline answering; he must be protecting himself from penalties or punishment.

The Witness.—There is no penalty; but there is what is worse.

Mr. Austin.—If the Witness claims the protection, he has a right to claim it; if the Witness says he does not choose to answer, he may.

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12737. Do you decline answering?—I will be very happy to answer any question.
12738. Do you decline?—I will be happy to answer any question you may ask me that does not bear in that way.
12739. Do you decline answering?—Will you repeat the question?
12740. Where did you get it?—Of the collector of Excise.
12741. How long ago?—In the month of April 1838.
12742. Then you have had it ever since, have you?—I cannot speak positively to that.
12743. You received it in the middle of April?—Yes.
12744. Have you not had it ever since the date of the license?—Perhaps not.
12745. If you do not like to answer the question, I do not wish to press you?—In granting those licenses, sometimes there are a very great many; it is almost impossible the clerk of the peace who attends the collector should have them all prepared on that day; and sometimes it happens some of them, although granted on that day, we do not receive them until perhaps a week or a fortnight afterwards.
12746. Under those circumstances they remain in the custody of the person who has to prepare them?—Yes, they do.
12747. They do not go over to the person to whom they ought to be delivered?—Not until they pass through my hands.
12748. Did you see Nowlan at any time during that last year?—O, yes, repeatedly.
12749. Did you see him very recently, very lately?—I have seen him standing at his door lately.
12750. Have you asked him to produce a license?—I have not been surveying-officer of that division nearly this last half year.
12751. Did you see him last Saturday?—I did not, to the best of my knowledge; I am sure I did not.
12752. Did you on Saturday week?—I cannot say.
12753. Did you ask him for his license?—No.
12754. Did you ever ask him for his license?—Not him, sir, but I asked his wife.
12755. Was that last Saturday?—Yes, sir.
12756. Did you tell her that you would fine her husband for selling spirits without a license?—No, sir, I never told her any such thing.
12757. Was any license produced to you?—No.
12758. Did you ask for it?—I did.
12759. Did you know at the time he had got no license?—No.
12760. When did you find this paper?—Afterwards.
12761. Was it not in consequence of finding that he had no license, and that he was selling spirits without it?—He was not selling spirits without license; he was legally licensed ever since April 1838.
12762. Was he in possession of a license?—If he was not, he was legally licensed.
12763. Was he in possession of a license?—The license might not be in his hands, but the license had been granted.
12764. Was he in possession of the license; if you like to refuse to answer the question, for your own reasons, you may?—I am not refusing any thing.
12765. Was he in possession of the license?—I should think he was not, by my finding it in the desk.
12766. Do you not know he was not?—My impression is that he never had that license delivered to him.
12767. Do you not know he was selling spirits without a license?—I would not consider him selling spirits without a license never the more for that.
12768. When were you summoned to come?—On Saturday last.
12769. When did you receive the summons?—What time of the day?
12770. No; when?—On Saturday last.
12771. Was it then you went to Nowlan's?—After that.
12772. From whom did you receive instructions to go?—A person of the name of Campion, a young man.
12773. Is he the son of an attorney at Carlow?—He is.
12774. In consequence of those instructions, you went to Nowlan's, did you?—I went with him.

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12775. And then came here?—Yes.
 12776. Was Nowlan there at the time?—He was not.
 12777. Was he in Carlow at the time?—He was out in the potato field, his wife said.
 12778. Was he in the town of Carlow or in the neighbourhood?—He was in the neighbourhood.
 12779. You had no instructions to bring him over, I suppose?—No.
 12780. And he did not come with you?—No; not that I am aware of.

Re-examined by Mr. *Wrangham*.

12781. You did not hear he had been summoned on the other side, did you?—No.
 12782. You have been asked about a license, and so on; is this the license without which he cannot sell the liquors he deals in?—It is.
 12783. That license was granted in April 1838?—Yes.
 12784. Has he paid the duty, which is the price of the license?—He has.
 12785. When was that?—On the 18th of April 1838.

Examined by Mr. *Austin*.

12786. Did he pay it to you?—To the collector; I am not authorized to receive it.
 12787. Did you see him pay?—I have a document to prove he did.
 12788. Did you see him pay it?—No, I have not; but I am sure he did pay it.

Examined by the *Committee*.

12789. What is the name of Nowlan's sign?—It is a board, with letters on; it is not customary to have signs like here.
 12790. By the *Committee*.] What is on the board?—"L. Nowlan," and the articles he is licensed to sell; porter and punch, and, I think, it says whiskey.
 12791. What else is on the sign-board beside "L. Nowlan"?—I believe the words porter and punch-house; and whiskey I am sure is on.
 12792. Is the word "licensed" on that board?—I am almost sure it is.

[The Committee adjourned till Monday, at Eleven o'clock.]

Lunæ, 3^o die Junii, 1839.

GEORGE GROTE, ESQ., IN THE CHAIR.

The Names of the Members were called over—all present.

CASE UPON THE VOTE OF MICHAEL BYRNE RESUMED.

Mr. *Wrangham* stated that he now tendered the license in evidence.Mr. *Austin* said he should not oppose the production of the license.[*The License was handed in, and was as follows:*]

Publicans' retail Beer, Cider and Perry License, Number 1071.

WE, whose names are hereunto subscribed and seals set, being the Collector of Excise of Kilkenny collection, and the Supervisor of Excise of Carlow district, within the said collection, in pursuance of an Act of Parliament made and passed in the 6th year of the reign of his Majesty King George the Fourth, intituled, 'An Act to repeal several Duties payable on Excise Licenses in Great Britain and Ireland, and to impose other Duties in lieu thereof, and to amend the Laws for granting Excise Licenses,' and of all other Acts and powers enabling us in this behalf, do hereby license and empower Lawrence Nowlan, residing in a house known by the sign of _____, in the parish of Carlow, in the county of Carlow, and within the said collection (and duly authorized by justices of the peace to keep a common inn, ale-house or victualling-house), to sell beer, cider or perry by retail, to be drank or consumed in the said house or premises at Carlow (as described by the entry of the said trader, dated _____ day of _____ 18, for carrying on therein the said trade or business, and as only one separate and distinct set of premises, all adjoining or contiguous to

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to each other, and situate in one place, and held together for the same trade or business), but no where else, from the day of the date hereof until and upon the 10th day of October next ensuing, the dwelling-house in which the said trader resides, or is to retail beer, cider or perry as aforesaid, being, at the time of taking out this license, together with the offices, courts, yards and gardens therewith, occupied, rated, rented or valued at a rent of 20*l.* per annum or upwards, and he having paid the sum of 10*s.* 6*d.* for this license to the said Collector. Dated this 18th day of April, in the year of our Lord 1838.

D. Hubbard.

Collector.
G. Barker, Supervisor.

N.B.—The continuance of this license depends upon the magistrates' authority to keep the victualling-house on which it is founded.

RENEWAL OF LICENSE.

Every person intending to continue the trade or business for which a license has been granted, is to give notice of his intention to the Collector or Supervisor at least twenty-one days before the expiration of his current license. If such notice be so given, the new license must bear date from the expiration of his current license. If such notice be not so given, the license must bear date from the day of the trader's application for it, and the trader will be in the meanwhile unlicensed.

Penalty for exercising the above trade without taking out or renewing license at the proper time, 50*l.*

Mr. John Stothardt called in and sworn; Examined by Mr. Wrangham.

[The Examination of the Witness, as given on Saturday, was read over.]

Mr.
John Stothardt.

12793. NOW, you have heard that evidence read?—I have.

12794. Does that last answer, as to the necessity of a certificate from the magistrates, apply to a beer license as well as to a spirit license?—It does; he could not have a spirit license unless he has a beer license; to retail on the premises; to consume on the premises.

12795. He cannot have the beer license until he has got the magistrates' certificate?—No; not a new beginner.

12796. Do you mean, by a new beginner, a person first setting up for a publican?—I do.

12797. Applying for the first time for his license?—I do.

12798. When the party has been already licensed and carrying on business as a licensed publican; when the current year is out, is it necessary for him to go again before the magistrates, or what course is taken?—He gets a certificate signed by six householders.

12799. As to the peaceable conduct of his house?—Sufficient as to the peaceable conduct of his house, that he is a proper person to continue.

12800. Is it a certificate that he is a person of good character, and that the business of his house has been conducted in a peaceable and orderly manner for the past year?—Yes; that he is considered by them as a fit person for the license to be renewed to, having conducted himself as such for the preceding year.

12801. The Excise year ends on the 10th of October?—It does, for those licenses.

12802. Suppose, at any period in the course of that year, in the course of the current year, a person applies for a license, is the license then granted for the whole twelvemonth, or only for so much of the year as remains to the 10th of October?—So much of the year that remains, according to the quarter it is granted in.

12803. The license would be granted until the 10th of October ensuing?—Yes, that is, when a party first commences.

12804. You told us, after the certificate of the magistrates, there is a bond to be given by the party?—There is.

12805. That I understood you to say was a police bond?—It is a police bond; it does not relate to any fine, or any thing that may come against him belonging to the Excise.

12806. Is that bond required in both cases of the beer license and the spirit license?—If they were taken out separately; it answers for both when they are taken out together.

12807. A bond is required of that kind for each?—Yes.

12808. Look at that license, and tell me if that is the usual form of a license [handing a paper]?—This is the usual form of the beer license; for the beer to be consumed on the premises.

[The Witness withdrew.]

*Daniel Hubbard.**Daniel Hubbard* called in and sworn; Examined by Mr. *Wrangham*.

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12809. YOU said you were one of the Excise officers stationed at Carlow?—Yes.

12810. I suppose you can speak to all the persons licensed in Carlow?—To all in my own division, I can.

12811. You told us you must have a certificate, signed by the clerk of the peace, before any license could be issued?—From the clerk of the peace-office.

12812. The certificate, before you can issue a license?—Yes.

12813. That applies both to the beer license and spirit license?—They cannot sell spirits without having a beer license.

12814. Do you know any instance of a person licensed as a publican in Carlow that is not the householder of the house, the owner of the house where the spirits or beer is sold?—O, no; no where; it is not allowed; the law does not allow it.

Cross-examined by Mr. *Austin*.

12814. Did you ever hear of a man being fined for selling spirits without a license in Carlow?—Not under my own immediate knowledge.

12816. Do you know of the fact?—I do not.

12817. Do you mean to say you do not know four or five people having been fined in Carlow for selling spirits without a license?—Not one since I have been there.

12818. Have you been there four or five years?—Two years and a half.

12819. Where were you before you were at Carlow?—In Kingston, in Hertfordshire.

12820. Did you ever hear of a man being fined for selling spirits without a license in your life?—Yes.

Re-examined by Mr. *Wrangham*.

12821. Did you ever hear of a person being fined for selling spirits without a license, after he had a license like that granted?—I did; but he would be still subject.

12822. Did you ever hear of any person being fined for selling any of the articles mentioned in that license after he had obtained such a license as that?—No.

12823. Is Nowlan there still?—To the best of my knowledge, he is.

12824. Carrying on business?—Yes.

[The Witness withdrew.]

Mr. *Henry Campion* called in and sworn; Examined by Mr. *Wrangham*.*Mr.
Henry Campion.*

12825. I BELIEVE you live at Carlow?—Yes,

12826. Is your father, Mr. Job Campion, an attorney there?—Yes.

12827. Do you assist him in his business?—Yes.

12828. Have you been in the habit of attending the sessions; the quarter sessions for the county?—I have, sir.

12829. For some time past, have you?—I have the last four or five years.

12830. At the sessions at which parties apply for certificates to obtain licenses?—Yes.

12831. Do you remember being there in April last year; April 1838, at the sessions?—I remember being at the sessions.

12832. At that time?—Yes, about that time.

12832. Do you remember Lawrence Nowlan applying for a certificate for a license?—I do.

Mr. *Austin*.—Why ask in that way?

12834. If you saw Nowlan there, what did he do?—I saw Nowlan there, and he was applying for a license.

12835. That was in the magistrates' court at quarter sessions?—Yes.

12836. What was the proof that was given with respect to the owner of the house?—He proved that the house was his.

12837. By Mr. *Austin*.] Was Byrne there?—I cannot say.Mr. *Austin* stated, he objected to any thing said by Nowlan in the absence of Byrne; he formally objected to any thing said by Nowlan in the absence of Byrne.

Mr. *Wrangham* submitted it was a public transaction in reference to the house, and therefore admissible in evidence.

Mr.
Henry Campion.

The *Chairman* stated he did not see any objection to the question.

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Mr. *Austin* stated, that a record of a court of justice between such parties would not be admissible in evidence. It was *res inter alia acta*, and no lawyer would venture to say this could be received as evidence.

The *Chairman* stated it appeared to the Committee as admissible evidence, and that Mr. *Wrangham* might proceed.

12838. Did you hear the evidence given?—I did.

12839. Was he examined on oath?—On his oath.

12840. Was any objection made to his having his license?—There was objection made, and then the magistrates overruled it; they were arguing it among themselves on the bench.

12841. Do you recollect what the objection was?—Yes; the objection they made, I think, to the best of my knowledge, that there were so many publicans already in Carlow.

12842. That was overruled, and they gave him the license?—They gave him the license, or ordered it.

12843. Have you ever known a certificate of this kind granted for a license by the magistrates at Carlow, without requiring proof of the applicant being the householder to be licensed?—In every case they always examine the man.

12844. To that point?—Whether the house is his or not; that is generally the first question they ask.

12845. The whole house?—The whole house; whether the house is his.

Mr. *Wrangham* stated that was the case against the vote.

Mr. *Austin* stated he did not call any witnesses.

Mr. *Wrangham* was heard to sum up the case against the vote.

The first question was, what were the premises out of which Byrne had registered; and he submitted it was clear, although upon the affidavit of register it appeared that he had registered for property in Castle-street, that the voter had registered for the premises upon Castle-hill.

The second question was, whether the possession and occupation of that house had remained in the voter ever since.

And first, supposing that by law Lawrence Nowlan was not bound to be the owner of the house, to enable him to be a licensed victualler, yet it was shown he had been in possession of the house for which Byrne registered; but by the law it was necessary he should be the householder; and as he was proved to be such, the vote was a bad vote, and should be struck from the poll.

Mr. *Austin* was heard in support of the vote, and submitted the question here was whether Byrne or Nowlan was the occupying tenant of these premises. If Byrne was entitled to vote, it was as a tenant occupying the premises; if he was not entitled to vote, it was because Nowlan was the tenant occupying the premises; if Byrne be the occupying tenant of the premises, he must be entitled to vote. Byrne at the time of registration was the occupying tenant; he had never been out of the house ever since he registered; he was there when he registered, and is there now. To show that the party was not entitled to vote, it was necessary to prove that he had divested himself of his title as tenant, and that Nowlan had become the tenant of the property, and that he, Byrne, had become the tenant of Nowlan. Looking at the case, independent of the license, it was a case in which a tenant had let his shop to another person, remaining in the possession of the remainder of the house himself; but the license which had been produced was so informal in its character, that it could not alter the effect of the other facts; and the declaration of Nowlan, that he was occupier of the whole house, could not, in point of law, affect the right to occupation of the voter, as it was a declaration of a third party, which could not be used as against the vote.

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The learned Counsel submitted, that as in this case the voter had never been shown to have lost his tenancy, and as no evidence had been given to show that Nowlan had become the tenant, he must be considered as a mere lodger; the voter remained in occupation at the time of the election, and was entitled to vote, and that his vote ought to remain on the poll.

The room was cleared.

The Committee deliberated.

The *Chairman* stated, "The Committee had come to the determination that the vote of Michael Byrne is a good vote."

Mr. *Thesiger* stated, they proposed to remove from the poll of Mr. Gisborne the vote of Holton Davin.

CASE UPON THE VOTE OF HOLTON DAVIN.

The voter stood No. 333 on the third day's poll; described as voting for house and concerns, Chapel-lane. Qualification oath put to the voter, and vote objected to.

Mr. *Humfrey* sworn, produced the affidavit of register.

The affidavit was dated the 29th of March 1837, describing the voter as a brewer, and registering for house and concerns, Chapel-lane.

Matthew Jenkinson called in and affirmed; Examined by Mr. *Thesiger*.

- Matthew Jenkinson*. 12846. DO you know the house in Chapel-lane in which Holton Davin lived?
—I do.
12847. Who was the landlord of that house?—Samuel Morris.
12848. Where did he live?—At Clontarf, in the neighbourhood of Dublin.
12849. Did you receive his rents?—I did.
12850. Did you receive any rent from Davin?—I did.
12851. For this house in Chapel-lane?—I did.
12852. For how long did you receive rent from him?—I received half a year, and a part of another half year; 5*l.* on behalf of another half year.
12853. What was the rent he paid for that house?—He paid 8*l.* 8*s.* a half year; 16 guineas a year.
12854. Did he leave that house at any time in the year 1838?—He did in August.
12855. In August 1838?—In August 1838.
12856. Was there any arrear of rent due from him at that time?—There was 3*l.* 8*s.* on behalf of rent due, the first of the third month, March 1838; he paid me 5*l.*, or his wife paid me 5*l.*, a few days before she left in August 1838.
12857. You say in the month of August 1838 he left the house; do you know where he went to?—He went to reside at Athy, in the county of Kildare.
12858. Did he remove his furniture from the house?—Yes, both his family and furniture; he was principally engaged in Athy, and his family, or his wife and children, resided in Carlow; he was seldom there, except occasionally passing backwards and forwards from Athy to Tullow; his wife and children were in Carlow.
12859. His principal employment was in Athy?—Yes.
12860. Previous to August 1838?—Yes.
12861. And then in August 1838 he removed his family to Athy, and his furniture?—Yes.
12862. Did he take all his goods?—Yes, all his goods.
12863. Every thing in the house?—I visited the house since, pretty directly after, and it was entirely vacant; no kind of furniture or any thing whatever remained.
12864. After he left in this way in the month of August, did you go to Athy and see him there?—No, I did not.
12865. Did you make any application to him; did you write any letter to him after he left; I do not ask what the letter was; did you write any letter to him?—I wrote him a letter, addressed to Athy, and received his answer from Athy, with the Athy post-mark on the letter.

12866. Do you know with whom Davin left the keys of the house when he went to Athy?—I did not know at that time; but I heard afterwards that he had left them with a person of the name of Bellew, a hatter. Matthew Jenkinson.
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12867. Now, after Davin left Carlow, did you go with young Bellew over the house?—I did.

12868. Do you remember when that was?—I think it was in the latter end of September.

12869. The month following the time that he quitted?—Yes, about a month afterwards.

12870. Did you go all over the house?—I did.

12871. Were there any articles of furniture, or any goods of any description, upon the house at that time?—None that I could see; not the smallest that I could see.

12872. Was the house quite unoccupied?—Quite unoccupied.

12873. Was any person at that time desirous of taking the house that you went over it?—There was; and there had been bills on the windows, "To let."

12874. Was there a person, a Mrs. Dobbins, do you remember?—Yes.

12875. She was anxious at that time to take the house?—Yes.

12876. Did you go over the house for the purpose of seeing in what state it was?—I did.

12877. Mrs. Dobbins, I believe, is since dead?—Since dead, I understand.

12878. In the month of November, was there any other person who was desirous of taking the house, and of going over it to see it?—There was, a person of the name of Miss Keefe; Rose Keefe her name is; she applied to me respecting it again.

12879. Did you apply to Mr. Bellew for the keys?—I did.

12880. Did you get them from him?—I did; I got them.

12881. Did you go over the house on that occasion?—I did.

12882. Was it in the same state in which it had been when you were over it before?—Precisely in the same state.

12883. Did you return the keys immediately to Bellew, or did you retain them for some time?—They remained with me for some time; I think for two or three weeks until he sent for them to me; I did not hand them back; they remained, until he sent for them, in my possession.

12884. In the month of February did any person call upon you in order to be allowed to go over the house to view it?—There did.

12885. Who was that?—Robert Lawlor.

12886. Did he apply to you to know what the rent of the house was?—He did.

12887. Did you give him the keys at that time?—I did.

12888. They were in your possession, were they?—I went to Bellew's and got them, and handed them to him.

12889. And you gave them to Lawlor?—Yes.

12890. Did you go over with Lawlor?—I did not.

12891. Did Lawlor return the keys to you?—He did.

12892. Did you keep the keys after that time?—I kept them, I think, to the second day of the election; the keys were called for by young Bellew; he came to me and asked me for the keys, and I handed them to him.

12893. You kept them until the second day of the election, when young Bellew came and asked you for the keys, and you gave them to him?—Yes, and I gave them to him.

12894. From August 1838 up to the time of the election, were those premises in Chapel-lane completely unoccupied?—They were.

12895. I suppose there is some tax, some county cess or tax which is payable on the house, is there not?—There is.

12896. Which is assessed at the assizes, as we have heard?—Yes; there is the county cess, which is assessed in the Summer assizes, which, in consequence of the place being unoccupied, I had to pay on the part of the landlord.

12897. By the *Committee*.] When was that?—When I paid?

12898. By the *Committee*.] Yes.—I have no particular date, but it was before or about March; it was the latter end of February or the beginning of March; I am not certain which.

12899. Was that the tax which accrued due from the Summer assizes 1838, for the half year?—It was.

12900. Up to the Spring?—Yes.

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12901. There would be another assessment in Spring?—Yes.
 12902. By the *Committee*.] The tax which was levied in the Summer assizes of 1838?—Yes.
 12903. That was assessed?—Yes.
 12904. By the *Committee*.] When was it paid?—In February, I think; I have no particular date, and cannot ascertain.
 12905. Now, during the time that Davin was in the occupation of this house, did you, on the behalf of the landlord, pay this tax, or did he pay it?—He paid it; I never paid it before.

Cross-examined by *Mr. Cockburn*.

12906. You say 16*l.* was the rent?—Sixteen guineas.
 12907. And he went away, you say, in August?—Yes, in August.
 12908. Did he offer you the keys before he left?—No; I did not see him when he was leaving; it was his wife I saw.
 12909. Did you know he was leaving?—She informed me they were going to leave.
 12910. She informed you they were going to Athy?—Yes.
 12911. Did she offer you the keys?—No.
 12912. Did you ask for them?—No, I did not.
 12913. Did you know Bellew had them?—That he had them; I did not know he had them, because I supposed they remained in Carlow, because there was an advertisement in the window, "To be let."
 12914. Did you ascertain the keys were in Bellew's possession?—The person who applied to me was a person of the name of Nowlan, on the behalf of Mrs. Dobbins, and I told him that I was not aware, but I had no doubt but that the keys remained in Carlow; but I was not aware in whose possession they were.
 12915. How did you find it out?—He found it out, and when he got the keys, he and Mrs. Dobbins came to the place, and they then came to me for me to go with them to view the premises.
 12916. You went with them over the premises?—To see the situation they were in.
 12917. After that did you receive the keys, or were they taken back to Bellew?—Bellew's son it was who brought the keys and unlocked the places, and we inspected them, and he carried them back, and I had not the keys in my possession at all at that time.
 12918. Did you claim the possession?—I did not claim the possession.
 12919. When was the next occasion you had to go to the premises to show them?—In November.
 12920. Again with Mrs. Dobbins?—No, with Miss Keefe.
 12921. Did you apply again to Bellew for the keys?—I did; I applied in person.
 12922. Did young Bellew bring them to you again?—He did not; they handed them to me in the shop.
 12923. And you went and showed the premises to Miss Keefe?—Yes.
 12924. Did you afterwards return the keys to Bellew?—I kept them until he sent his son for me.
 12925. You gave them up without any hesitation?—Without any hesitation whatever.
 12926. Was this a tenant from year to year, or what was the nature of his tenancy?—I was not concerned for Samuel Morris at the time he got possession, and I was not privy to any agreement; I was not acting as an agent, or receiving rent from Samuel Morris at the time this was set.
 12927. Are you not the landlord?—No; agent to the landlord.
 12928. How long have you been agent to the landlord?—About three years.
 12929. How did he pay his rent; half-yearly?—Half-yearly.
 12930. Do not you know he was tenant from year to year?—I have no doubt but he was.
 12931. Do you know what was the period at which his tenancy would expire?—He had no lease, as I understood.
 12932. What was the period at which his tenancy would have expired?—He commenced; his rent was due on the 1st of March, and 1st of September.
 12933. That was half-yearly rent; would his tenancy expire until the next March?—Why, I do not know.

12934. Do not you know his tenancy continued to the ensuing March, according to the terms on which he was holding?—Certainly, as long as his rent was paid; I consider there was no specific time, and that it was a yearly tenancy; I think there was no specific time it should terminate. Matthew Jenkins.
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12935. Had he had any notice to quit?—None that I know of.

12936. Do not you know he had had no notice; you are agent?—Through me he had none.

12937. You are the only agent, in respect of those premises?—I am the only person who has acted since I first commenced.

12938. I may take for granted he had received no notice to quit?—O, no notice that I know of.

12939. How long had you been the agent?—About three years.

12940. You had occasion to go in it again, when Lawlor applied to you?—No, I did not go then.

12941. Lawlor applied to you; you went to Bellew and got the keys?—Yes.

12942. What month was that in?—In February.

12943. What time in February?—It was about two days or three days before the election; not more than two or three days before the last election.

12944. Then Lawlor got the keys, and on the second day of the election young Bellew came to you for the keys, and you gave them up?—I did.

12945. You did not claim to retain them on behalf of the landlord?—I did not make any claim whatever.

12946. Did Mr. Lawlor apply to you on behalf of Mr. Ferdinand Vigors for your consent as agent for the landlord for Mr. Vigors to take up the holding?—He applied to me as a person acquainted with the circumstance; I cannot exactly say, for Lawlor has a holding under Mr. Morris.

12947. What I ask you is this; did Lawlor apply to you on the behalf of Mr. Ferdinand Vigors for your consent for Mr. Vigors to take this house in the place of Davin?—I understood it so; but as to the words that were used, I do not remember.

12948. I ask you as to the application; did he make such an application?—Yes, that was the nature of it.

12949. When did that take place?—Not more than two days prior to the election.

12950. Did you consent to that?—I did.

12951. When was the tenancy of Mr. Ferdinand Vigors to commence as a substitution for the other?—He told me he would apply to Samuel Morris himself personally.

12952. Who did?—Lawlor.

12953. Do you know whether he did do so?—I heard he has done so, but I do not know it.

12954. When did he propose to you Mr. Ferdinand Vigors's tenancy should commence?—He did not make any proposition of the sort to me.

12955. Did he state no time?—No, he did not, directly.

12956. Was any application made to you before the election at any time on the part of Mr. Davin for your consent to his giving up the premises to the landlord?—Not any whatever.

12957. Did you not refuse to allow the premises to be given up before the gale-day?—No, I did not.

12958. Did the landlord?—I do not know that.

12959. Another question about the application to Mr. Morris, about Mr. Vigors taking the premises; do not you know an application of that kind was made after the election?— * * * *

12960. Is Mr. Samuel Morris the landlord?—Yes, he is.

Mr. *Thesiger* objected to Mr. Morris's statement remaining on the notes, and applied for it to be expunged.

Mr. *Cockburn* stated he would not support his right to have the answer remain.

The *Chairman* stated the answer must be struck out.

12961. Do you not know that the premises had not been given up to Mr. Morris or to you as his agent at the time of the election?—I am aware that they were not.

12962. Was not your reason for returning the keys to Bellew, or allowing them to be returned to Bellew, on each occasion after you had had the use of them, to show

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the house ; was not your reason for doing that ; you knew the man's tenancy had not expired, and the premises had not been given up to the landlord ?—Will you repeat that ?

12963. Was not your reason for allowing the keys to be returned to Bellew each time after you had had them, for the purpose of showing the house, that you knew they had been given to Bellew by Davin, and you believed the premises had not been given up, and that Davin's tenancy had not expired ?—I believe the object was to get rent from the person who would be coming in ; the application that was made was to get the rent, or to be allowed a certain portion of the rent that would become due by the person who would come in in the occupation.

12964. That applies to the reason of letting people in ; was not your reason for giving the keys back to Bellew, instead of keeping them yourself as agent for the landlord, that you knew he had not given up the premises to the landlord, and his tenancy still continued in the premises ?—I did not consider it was a desirable thing that I should take on myself such a responsibility, but that was all I had in the case, whether it was what the landlord would do ; I was only to receive the rent ; I thought I was not to act so far in taking possession of the house.

12965. Did you not consider Bellew the care-taker of Davin, of the premises ?—I considered with Bellew the keys had been left, and to him, I suppose, Davin should look if he wanted the premises of course, and not to me.

12966. You thought he was the person Davin should look to ; if you considered Davin chose to come back and take the keys from Bellew he had a right to go in again ?—

Mr. *Thesiger* objected to the question ; but stated that he would give no trouble as to the tenancy, because the circumstances showed the tenancy was subsisting up to the time of the voting.

Mr. *Cockburn* stated, that being the case he would not press the question.

12967. One question about this cess ; who applied to you for the cess ?—A man by the name of James Brennen.

12968. When did Brennen apply to you for the cess ?—He applied to me, I think, in March, the latter end of February or the beginning of March.

12969. Was it after the election ?—I think it was.

12970. Have you any doubt it was after the election ?—I have very little.

12971. Perhaps I may safely say you have none at all ?—Why, I cannot say I have much.

12972. Have you any ?—I think it was after the election.

12973. You are a voter, Mr. Jenkinson ?—I did vote.

12974. Which way did you vote ?—I voted for Francis Bruen.

12975. I believe you have always done so ?—Why, I cannot say I have.

12976. Since he became a candidate ?—This was the only election I have voted for him.

12977. You were not registered before, were you ; you had not a vote at the former election, had you ?—I was registered.

12978. James Brennen applied to you ?—Yes.

12979. What was the amount ?—I think it was about 1 s. 6 d.

12980. Did you pay it ?—I did.

12981. Did you know at the time that the payment of that cess would have any thing to do with his vote ?—No, I did not ; I had no idea that it would interfere with it at all ; it was not with any view any thing more than they threatened to pull out some of the windows in consequence ; I thought it was better to pay.

12982. Brennen threatened to pull out some of the windows if you did not pay ?—Yes ; and I thought it better to pay.

12983. You did not send to Davin first ?—I did not ; Davin, I suppose, was in Athy.

12984. You did not, from the circumstance of his being absent ; you did not communicate with him ; there was no refusal on his part to pay ?—Not that I know of.

Re-examined by Mr. *Thesiger*.

12985. I want to know whether the proposal which was made to you by Lawlor on behalf of Mr. Ferdinand Vigors was, that he was to pay the arrears of rent which were due from Davin ?—He being a tenant to Morris, he said he would go and settle that matter between themselves, and he only wished to get an opportu-

nity of seeing the house and to know the rent, what rent Davin was under for the place. *Matthew Jenkinson.*

12986. What was the amount of Davin's arrears at that time?—The amount of arrears of rent was nearly a year's rent; 3*l.* 8*s.*, a balance of a former rent. 3 June 1899,

12987. By the *Committee.*] That was in February last when the application was made on behalf of Mr. Ferdinand Vigors?—Yes, the 1st of March would be a year's rent, and 3*l.* 8*s.* on the former one.

12988. Was this on the second day of the election that this application was made to you?—The keys I returned on the second day.

12989. When was it that Lawlor applied to you on behalf of Mr. Ferdinand Vigors?—I think it was not more than two days before the election.

12990. Has Mr. Ferdinand Vigors ever lived in the house since?—No, he has not.

12991. Is the house still unoccupied?—It was when I left Carlow.

12992. When was it you left?—I left Carlow on last Saturday week.

12993. At that time the house was unoccupied?—At that time the house was unoccupied.

12994. By Mr. *Cockburn.*] Has the landlord ever done any thing to resume possession of the house up to this time?—I do not know that he has.

Examined by the *Committee.*

12995. Who has possession of the house now?—When I was there last, this day two weeks; I was in the house; the keys were got by a sergeant of police, who wished to see the premises again, of a person of the name of Edward Fitzgerald.

12996. Whom did he get them from?—He got them from his servant; I believe so; I saw them returned again.

12997. Have you had possession of the keys?—I was in the house on that day.

12998. Have you had possession of the keys?—No, I do not think I have.

12999. Have you had possession of the keys at all since the election?—No, I have not; but I was in the premises.

13000. You stated when you went over the premises there was no furniture?—No furniture in since the first time to the present; no furniture whatever.

13001. No furniture whatever?—No furniture whatever.

13002. Has Davin given up occupation yet?—

Mr. *Thesiger* submitted, as the whole question in issue was whether he had given up occupation, that that question ought not to be put.

13003. Has he given up the tenancy yet; whom do you consider as tenant to Mr. Morris now?—

Mr. *Thesiger* stated that there was no doubt, up to the time of the election, Mr. Davin was the tenant, and that would answer all the purposes of the case on the other side.

13004. Has Mr. Davin given up the tenancy since?—I believe he has.

13005. He has not given it to you?—No.

13006. By Mr. *Cockburn.*] Mr. Davin is a respectable man and a solvent man?—I understand he has taken the benefit of the Act since.

13007. By Mr. *Cockburn.*] Since he left these premises; how long ago?—I suppose in the course of this year.

13008. What does the Witness mean by since?—Since he left Carlow, between that and the present time.

13009. That is to say since last August?—Since last August.

Mr. *Cockburn* submitted that the statement of the Witness that Davin had taken the benefit of the Insolvent Act could not be received as evidence of that fact, which must, if necessary, be proved in a regular way.

[The Witness withdrew.]

George Hornick called in and sworn; Examined by Mr. *Thesiger.*

13010. DO you know the house in Chapel-lane which was formerly occupied by Davin?—Yes. *George Hornick*

13011. Do you live near there yourself?—Yes.

13012. Close by?—Just below.

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13013. Do
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13013. Do you remember Davin's removing in the course of last year, going away with his family and his furniture?—I remember seeing the house vacant.

13014. Was there any board up announcing the house was to let?—Yes.

13015. In the month of November did you go through the house?—Yes, early in November.

13016. Was there any article of any kind in the house at that time?—Not a particle.

13017. Was the house—you had an opportunity of seeing it; was the house unoccupied from the time that Davin quitted up to the time of the election?—It was an empty house.

13018. On the third day of the election did you see Davin there?—I saw Davin and Mr. Bellew, of Carlow, go into the house.

13019. How long did they remain in?—Only a few minutes.

13020. Did they then come out?—I saw them going in; I went up to the factory; just went into my own place, and on my return back again I saw them coming out; about five minutes.

13021. That was the third day of the election?—The last day of the election.

13022. Did you ever see Davin in the house after that period?—Never.

13023. And the house remained in that unoccupied state?—Yes.

Cross-examined by Mr. Cockburn.

13024. Do you live in the same street?—Yes.

13025. Did you see them go into the house?—Yes; went inside of the gate into the concern; I went on, going up to the factory; I saw them going in, and I went on, and when I was coming back they were coming out of the gate, and Bellew locking the gate after him.

Mr. *Thesiger* stated that was the case against the vote.

Mr. *Cockburn* stated that they did not propose calling witnesses.

Mr. *Thesiger* was heard to sum up the case against the vote, and to contend that, according to the Irish Reform Act, a party to be entitled to vote must be a party who is occupying, as tenant or owner. In this case Holton Davin had ceased to occupy long before the election, and the premises had been vacant, and he had only returned to the house for the purpose of enabling him to take the oath at the poll that he was in possession of the property for which he registered.

The learned Counsel admitted that the tenancy continued until after the election, but submitted that tenancy alone was not sufficient to entitle a party to vote. By the oath administered at the poll, the party must swear that he is in possession of the same qualification for which he registered, and his qualification for registration was, that he was in actual occupation of the premises for six months previous to the registration. In the English Reform Act it is only stated that the party must be in the occupation of the premises; and yet on John Prentice's vote in the Ipswich case, reported in *Faulkner & Fitzherbert*, page 273, the Committee held, that where premises were shut up, and no intention shown of returning, the voter was disqualified although his tenancy continued. In this case it was clear the voter had no intention to return; the premises were shut up, and as the voter was not in occupation at the time of the election, the learned Counsel submitted it was a bad vote, and should be struck from the poll.

Mr. *Cockburn* applied to the Committee to adjourn, as the Committee must very shortly rise, and he should not be able to conclude his argument.

The room was cleared.

The Committee deliberated.

[Adjourned till To-morrow, at Eleven o'clock.]



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